MEETING OF THE COMMISSION OF FINE ARTS
16 February 1965

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MINUTES OF THE MEETING OF THE COMMISSION OF FINE ARTS
HELD IN WASHINGTON, D. C.

I. CONVENE, ROOM 7000, INTERIOR DEPARTMENT BUILDING

A regular meeting of the Commission of Fine Arts was held in its offices in the Interior Department Building on 16 February 1965. The members met pursuant to notice, in executive session at 10:30 with William Walton, Chairman, presiding.

Present were: William Walton
Gordon Bunshaft
Burnham Kelly
Aline Saarinen
Hideo Sasaki

Staff: C.H. Atherton, Secretary
Paul Richard, Administrative Asst.
Nancy Coyne, Legislative Assistant
Myra Younker, Editor

NCPC: Arnall T. Connell
Richard Huff

Recorder: Marion Dennis

II. Administration

1. The Commission decided to hold its next meeting on 16-17 March.

2. The minutes of the January meeting were approved as amended at the request of Mr. Kelly to include a comment in the Washington Skyline Study on the skyline path.

3. Proposed Amendments to Section 7501 of Zoning Regulations

The Secretary introduced the proposed amendments to Article 75 of the D.C. Zoning Regulations which would permit a building height of 160' along the north side of Pennsylvania Avenue and would also reduce the minimum area requirement from five to one and one half acres thus enabling an increased number of planned large-scale developments to qualify under the provisions of Article 75 of the Zoning Regulations of the District of Columbia. Article 75 permits a greater freedom and variety of function and design, than currently permitted by the more stringent controls of the General Zoning Regulations.

The members of the Commission discussed the proposed amendment and recommended that plans for large-scale developments be submitted to the Commission of Fine Arts for architectural review before final approval by the Zoning Commission. The procedures for submission of plans to the

Commission of Fine Arts could be comparable to those provided in the Shipstead-Luce Act.

The members of the Commission approved a letter prepared by the Secretary for the Chairman's signature, to the Commissioners of the District of Columbia recommending that all future developments qualifying under Article 75, be reviewed by the Commission of Fine Arts. EXHIBIT A

4. Letters from Senator Aiken and Senator Javits - Request for Policy Information on Building Materials

The Secretary introduced letters from Senator George D. Aiken (EXHIBIT B) and Senator Jacob Javits ~~(EXHIBIT C)~~ requesting a statement from the Commission of Fine Arts on the policy of the Commission in the selection of materials for exteriors of buildings. It was pointed out that policy for the selection of building materials - exterior or interior - has never been adopted by the Commission of Fine Arts. The selection of materials is made by the designing architect. The Commission does not dictate the use of materials, but advises only in terms of the material's suitability and appearance.

The Chairman prepared a letter to Senator Aiken and Senator Javits explaining the Commission's policy. A list of materials used in buildings reviewed since 1963 which received the Commission's approval was submitted to Senator Aiken at his request.

EXHIBITS D & E

III. SUBMISSIONS-REVIEWS-INTERVIEWS

1. District of Columbia Government

a. Department of Licenses and Inspections

Shipstead-Luce Act

(1) Proposed Office Building, 12th Street and Pennsylvania Avenue, N.W. - Revised Design

Mr. John Woodbridge, architect and staff member of the President's Council on Pennsylvania Avenue, presented and explained the revised design for an office building at 12th Street and Pennsylvania Avenue.

Mr. Woodbridge recommended that the building be approximately 130 feet in height, in consideration of the requirements of the Pennsylvania Avenue Plan which describe a 50 foot setback along Pennsylvania Avenue. This requirement meant a reduction of floor space from 300,000 square feet to 230,000 square feet. The loss in floor space was partially

recovered by designing an overhang on the 12th Street side at the third floor level of the building. With the overhang, the building would provide 250,000 square feet of office space. A change in the Zoning Regulations and Building Code for the District of Columbia will be required to permit construction of the overhang. A penthouse, although not permitted for buildings within the Pennsylvania Avenue Plan, was included in the design as a concession to the owner, Mr. Jerry Wolman, who had been convinced that this important site required a building designed according to the guidelines established by the Pennsylvania Avenue Plan.

The members of the Commission were pleased with the design and with the cooperation of the owner in revising the design to comply with the Pennsylvania Avenue Plan.

Final action was withheld until a conference with the owner on the following day.

(2) Building Applications, Appendix 1

The Commission approved the actions proposed by the staff on Shipstead-Luce Applications listed on Appendix 1. EXHIBIT F

Old Georgetown Act

(1) Georgetown University, Proposed Expansion

The Secretary presented photographs of site plans and sketches of designs for buildings proposed in the expansion program of Georgetown University. Since no changes were noted in the design, which had been submitted in October, the members decided to review the material and discuss the project with the architect during the afternoon session.

(2) Building Applications, Appendix 2

There were no objections to the actions taken on Old Georgetown Act Applications listed on Appendix 2. EXHIBIT G

b. Department of Buildings and Grounds

(1) Elementary School, 7th and Webster Streets, N.W. - Revised Design

The Secretary presented the revised design for the Elementary School, 7th and Webster Streets, N.W., as submitted by Mr. Milton J. Prassas and Associates, architect. As recommended by the Commission during the January meeting, the service entrance and garage

had been relocated.

The members commented favorably on the progress made in the design which had been simplified. Final action was withheld until a conference with the architect on the following day.

(2) Junior Village School and Activities Building, Blue Plains, D.C. - Proposed Design

Mr. Richard presented a model and drawings of the site and floor plans, and elevations for a School and Activities Building at Junior Village, prepared by Mr. Victor Spector, architect. Financial and site conditions as well as disciplinary control required that the structure be designed as a single story building. Play areas were surrounded by roads and service facilities near the buildings housing the children.

The members felt the natural lighting should be considered in orienting the classrooms, particularly the kindergarten. Chairman Walton commented that the Commission's stand should be that this entire installation be abandoned. The Commission should not encourage construction for this establishment nor favor plans for expansion. The project should be considered as temporary. Any report of the Commission on the site plan or design of the building should express the Commission's principles on the project.

Final action was withheld until a conference with the architect on the following day.

(3) Junior High School, Brentwood Road and 6th Street, N.W. - Proposed Design

Mr. Richard presented and explained a model and drawings of the site and floor plans, and elevations for the Junior High School at Brentwood Road and 6th Street, N.W., prepared by Lublin and McGaughy, architects. Located on a hill adjacent to Gallaudet College, the school would have a section with three floors and another with four floors. Classrooms surrounded a central section containing large elements such as the gymnasium. A school on this site would detract from the view from the College campus.

Chairman Walton commented that the site was improperly selected.

The members felt that the design was acceptable but the site required further study.

Final action was withheld until a contour map could be furnished for a detailed study of the site plan and a conference with the architect on the following day.

(4) Chevy Chase Branch Library, Connecticut Avenue and McKinley Street, N.W.

Mr. Richard presented and explained drawings of a library at Connecticut Avenue and McKinley Street, N.W., prepared by Mr. Nicholas Satterlee, architect. A typical library plan of a circulation desk in the center with exits and entrances on either side had been abandoned by the architect who planned an open central stairway. Small landscaped courts with pierced brick walls permitted a view from the reading room windows and eliminated a view of heavily traveled streets. The entrance to the building would be through a paved court developed to create a parklike atmosphere. The parking area was to the rear of the building and would serve both the library and a future community center planned for an adjacent area. Although planned for a two-story building, a third story was contemplated in the future program for the library's expansion.

The members commented that the design was one of the better library plans submitted to the Commission for review. Final action was withheld until a conference with the architect on the following day.

(5) Firehouse No. 9 between 16th and 17th Streets on U Street, N.W. - Proposed Design

Mr. Richard presented and explained drawings of site and floor plans and elevations, and a model of the proposed design for Firehouse No. 9, on U Street, N.W., prepared and submitted by Walton & Madden, architects. The center area of the one-story building was the apparatus room. Over the entrance a raised section with a clerestory provided light for the front portion of the room. A sky-light was placed at the rear of the apparatus room. Wings at the sides of this room contained offices, sleeping quarters, etc. Small windows in the sleeping quarters were located at the corners of the front of the building.

The members commented that the clerestory could be extended over the entire apparatus room, eliminating the skyling in the rear. The wings could possibly be designed as a second floor and leave a small area beside the building for a park. Other features of the design were questioned.

Final attion was withheld until a conference with the architect on the following day.

2. Corregidor-Bataan Memorial Commission

Corregidor Memorial - Proposed Design

The Secretary stated that in 1953 Congress passed special

legislation (Public Law 193-83rd Congress) establishing a Corregidor-Bataan Memorial Commission. That Commission held a competition and selected a design by Naramore, Bain, Brady and Johanson, architects. Additional legislation (Public Law 240-88th Congress), approved 23 December 1963, authorized a redesign by the winning architect - a design not to exceed a million and a half dollars in cost.

The material submitted for review included an insufficient description of the relationship of the design to the site. The design consisted of a memorial rotunda with a series of terraces extending toward a monument, containing sculpture of a flame of Freedom, in the eastern area of the island where an overlook existed.

The members thought the design appeared to have no strong, single idea and was unrelated to the purpose of the memorial and its site. Final action was withheld until a conference with the architect and officials of the Memorial Commission in the afternoon.

3. District of Columbia Redevelopment Land Agency

Tenth Street Mall - Revised Design

The Secretary presented and explained drawings for the Tenth Street Mall prepared by Wright, Andrade & Gane, architects. An integral part of the L'Enfant Plaza, the Mall was designed to have a center strip with cascades of water in the area where the grade rises to meet the railroad tracks. In the remaining sections, the pavement had squares with a textured treatment. Bollards extended along the edge of the strip. The Mall would terminate with an overlook of the southwest waterfront. In an area north of the overlook, an oval pool was included in the plaza formed by buildings to be designed by I. M. Pei, architect.

The members commented that the design should be coordinated with the landscaping plans for the Federal Office Buildings in the area. The shape of the oval pool was thought to be inconsistent with the rectangular geometry of the plaza.

Final action was withheld until a conference with the architect on the following day.

4. Department of the Navy, Area Public Works Office

a. Airmen's Dormitory, Bolling/Anacostis Military Cantonment

Mr. Richard presented and explained the drawings and site plan for the airmen's dormitory complex at the Bolling/Anacostis Military Cantonment as prepared by Mr. Vincent Kling, architect. The two U-shaped dormitories for 3000 men would be 8 stories high. A dining hall was located between the two U's.

The members commented that this plan appeared crowded.

Final action was withheld until a conference with the architect on the following day.

b. Family Housing, Bolling/Anacostia Military Cantonment

Mr. Richard presented and explained the drawings and site plan for the family housing, Bolling/Anacostia Military Cantonment as prepared by Mr. Vincent Kling, architect. This project would provide housing for 300 families and would be constructed in the first phase of the development of this military cantonment.

The members commented that the housing units for the officers had been moved from the main entrance area to higher ground adjacent to the family housing area. From this high ridge, the houses would have a better view of the Anacostia River.

Final action was withheld until a conference with the architect on the following day.

5. General Services Administration, Public Buildings Service

a. National Institutes of Health, New Refrigeration Building, Proposed Design

The Secretary presented a model of the National Institutes of Health complex and a proposed design for a new refrigeration building. He mentioned that the site for the building was an open area, away from the existing service complex. The lack of information submitted for review prevented a thorough study of the project.

The members commented that a refrigeration plant should be included in the service area. They requested that a master plan of the entire development and a detailed site plan for this building be submitted for review.

The Secretary prepared a letter for the Chairman's signature to the Chief, Research Facilities Planning Branch, National Institutes of Health, expressing the members' request for additional information. EXHIBIT H

b. Federal Office Building, Boston, Mass. - Selection of Artists for Mural and Sculpture

Mr. Richard presented brochures and photographs of works of art considered by the Architects Collaborative & Samuel Glaser Associates, architects, for inclusion in this project. Two sculptures, a mural, and two areas of cut-in line wall treatment will be included in the Federal Office Building, Boston, Mass. The members recommended that the architect

make the final selection as each of the artists whose name was submitted was well qualified for the following assignments as specified:

(1) Bronze sculpture 18' high in open bay of tower building - Dimitri Hadzi and Alexander Calder.

(2) Mural 15'x12 1/2' above interior entrance from tower lobby to the Low Building - Robert Motherwell, Adolph Gottlieb, Robert Goodnough, Enrico Donati, Ellsworth Kelly, and Lee Bontecou.

(3) Free standing sculpture 5' to 6' high in courtyard of Low Building - George Hall, Mirko, and David Smith.

(4) Two air-shafts with inclined granite surfaces cut-in line pattern - Constantino Nivola.

The Secretary prepared a letter for the Chairman's signature to Mr. J. Rowland Snyder, Director, Design Division of General Services Administration, Public Buildings Service expressing the members' views and congratulating the General Services Administration and the architect on the quality of the artists listed. EXHIBIT I

6. Department of Interior, National Park Service, National Capital Region

Northwest Submaintenance Unit, Elliott Place and Clark Street, N.W., Reservation 469 - Proposed Design

The Secretary presented photographs of the site and surrounding area, and drawings for the Northwest Submaintenance Unit to be located on land owned by the National Park Service. The Park Service had questioned installing this facility in a residential area and had circulated the plans in the neighborhood. No particular reaction having been received, the Park Service submitted plans for a one story, brick building with small windows near the roof. Located on the southwest area of the site, the building could be screened with planting.

Mr. Sasaki suggested that the structure have a solid brick wall with a center court having windows which would provide light for the locker rooms, offices, etc.

The members agreed that the design of the building was appropriate in terms of site and function. They recommended that it be accepted with Mr. Sasaki's suggestions.

The Secretary prepared a letter for the Chairman's signature to the National Park Service expressing the members' views and submitting the suggestion stated above. EXHIBIT J

7. Department of the Army, Institute of Heraldry

a. Seal for the President's Council on Aging - Proposed Design

The Secretary presented a proposed design for a seal for the President's Council on Aging as submitted by the Institute of Heraldry. The shield of the coat of arms of the Council was centered on a discwith a green/white "plaid" background and encircled by a white rim with "President's Council on Aging - May 14, 1962" inscribed in green capital letters.

The members recommended that the plaid background be eliminated.

The Secretary prepared a letter for the Chairman's signature to the Institute of Heraldry, Department of the Army, expressing the members approval and their recommendation. EXHIBIT K

b. National Aeronautics and Space Administration Third Degree Award - Proposed Design

The Secretary presented two designs for the National Aeronautics and Space Administration, Third Degree Award, as a downward extension of its existing medal series which would be awarded as commendation for administrative, technical, scientific, flight and public service. For lower level awards, this design was deliberately not "grand" and would be made of bronze. The members approved both designs.

The Secretary prepared a letter for the Chairman's signature to the Institute of Heraldry, Department of the Army, stating the members' approval. EXHIBIT L

8. District of Columbia Government, Department of Highways and Traffic

Site Revisions to the Statue of General McClellan, Connecticut Avenue and Columbia Road, N.W.

The Secretary presented photographs of the statue of General McClellan, and explained the highway channelization plan for the area around the site of the statue proposed by the Department of Highways and Traffic to accommodate the increase in traffic resulting from the new Hilton Hotel, Connecticut Avenue and Columbia Road, N.W. The Highway Department and the National Park Service had agreed to this plan which required cutting through a section of the reservation and creating a small, isolated island. The Highway Department was reluctant to change their plans to any significant degree.

According to Mr. Donald Jackson of the National Capital Planning Commission, the plans were submitted to the Planning Commission after the contracts had already been signed. The Planning Commission had agreed

to the plan provided it was modified to include special paving, changes in the curves of the site, and several additional concrete islands continuing south on Connecticut Avenue to the intersection of Florida Avenue. This would unite the design with the area involved. The staff of the Planning Commission developed several ways of treating the specific site - building a podium around the statue, having a cobblestone pavement on the site, brick sidewalks, and constructing a macadam roadway.

The members of the Commission of Fine Arts discussed the plan and the Planning Commission's studies of the area. Mr. Bunshaft recommended that a deeper cut be made at the point of the site rather than cutting into the plot and isolating a small segment of the land. Mr. Sasaki stated that the area should be limited to one material.

The members disapproved the Highway Department's plan and the proposals for developing the area as suggested by the Planning Commission. Chairman Walton summarized the members' views by stating that the site remain as a unit and not separated by traffic. Cobblestones should be used and no podium constructed nor lighting standards and signs placed on the site.

~~The Secretary prepared a letter for the Chairman's signature to the Department of Highways and Traffic stating the members' disapproval of the plan and their recommendations. EXHIBIT M~~

9. Corregidor-Bataan Memorial Commission

Corregidor Memorial - Proposed Design

Captain Kelly of the Corregidor Memorial Commission introduced Mr. William Bain of the architectural firm of Naramore, Bain, Brady and Johnson, who discussed the proposed design for the Corregidor-Bataan Memorial.

The approach to the memorial would be through the Malenta Tunnel , General MacArthur's headquarters for a time during the war, past ruins of former buildings. Arriving at the memorial area on a high plateau of the island, the visitor would reach a ceremonial court. Beyond this area would be a memorial rotunda. Two interlocking wreaths in recognition of the Phillipines and Americans who lost their lives in the Pacific conflict, were in a depressed area in the center of the rotunda. Extending eastward from the rotunda would be a vista with steps and walks leading to a monument of an abstract flame of freedom. The steps and walks were framed by water next to a wall which was used to minimize the maintenance problem. The monument area contained an excellent view of the coast as far as Manila. The eastern approach to the monument and the view were intended to symbolize the view into the future; the ruins were a reminder of the past.

Mr. Sasaki led the discussion of the design by stating that a collection

of ideas existed rather than one strong central theme - the ruins, rotunda building, vista with a monument, and a flame at the end. A single, powerful statement was needed to complement the symbolic character of the site.

Mrs. Saarinen noted that the formal design seemed to be alien to the tropical vegetation. No feeling of the conflict encountered here was evidenced in the design. The ruins themselves would probably constitute a more effective monument.

Assuming the whole island of Corregidor is a monument itself, left untouched and not used as a base, Mr. Kelly concluded that an area where one could achieve a sense of the past for a few minutes was all that was necessary.

Chairman Walton summarized the discussion. The design should have greater simplicity with more emphasis on the nature of the site, the mystique of the place, and be organized about one symbolic element.

10. District of Columbia Government, Department of Licenses and Inspections

Georgetown University - Proposed Expansion

Mr. Mariani, of Mariani and Associates, and Mr. Danzer of Ellerbe and Company, architectural firms for this project, Father Bauer, Dr. Gillespie and Mr. Robinson of Georgetown University attended the afternoon session during the discussion of the plans for expansion of the medical facilities which centered on the "intensive care" building.

Mr. Mariani explained, in detail, the building designed for intensive care of acutely ill patients and its relationship to existing and proposed buildings. The intensive care building is to be cruciform in plan. A major departure from hospital designs, the building had been approved by the Public Health Service and is intended to serve as a national demonstration of the latest design in this special type facility. The building was crowded into a small site.

The members of the Commission recognized the quality of the design for the building's specific function but could not recommend construction of this building on so small an area when larger sites were available. During the October meeting, the members had suggested solutions to this problem but apparently the architects were unable to change the site without encroaching upon areas set aside for other activities of the University. Close proximity to existing hospital structures was required.

Father Bauer, representing the Medical College, stated that other departments of the University were also expanding and the intensive care

building would have to remain at the edge of the ballfield rather than encroach upon it. Acquiring additional nearby land for the University campus was uncertain. Unused land belonging to Visitation Convent was unobtainable.

The members continued to offer suggestions - a building designed without windows, underground library section, etc.

Chairman Walton concluded the discussion by stating that the Commission recognized the functional needs for this building but that these needs would have to be solved differently. The University should recognize and share the Commission's concern over the aesthetics of this building and of its placement for the future in relation to the town.

IV: LEGISLATION

1. S. 310-1/7/65-Mr. Javits-89th Congress

To amend the National Arts and Cultural Development Act of 1964 to authorize the National Council on the Arts to accept and receive bequests, gifts, and donations for use in carrying out the purposes of such Act, and to establish the National Arts Foundation. EXHIBIT N

2. S. 315-1/7/65-Mr. Pell-89th Congress

To establish a National Arts Foundation EXHIBIT O

The Chairman requested that a report evaluating the above bills be written. This would enable the members to discuss them more thoroughly and to take any necessary action on them. The report is exhibitP.

3. Draft Legislation - Interior Department-1/13/65-89th Congress

Providing for the establishment of the National Capital Parks Memorial Board. EXHIBIT Q

The members agreed to support this proposed legislation which would provide for a more orderly use of park land for memorialization purposes. The Commission's approval, forwarded to the Director of the Bureau of the Budget is EXHIBIT R.

4. S. 111-1/6/65-Mr. Gruening-89th Congress

To provide for the establishment of the National Humanities Foundation to promote progress, research, and scholarship in the humanities and the arts, and for other purposes. EXHIBIT S

5. S. 316-1/7/65-Mr. Pell-89th Congress

To provide for the establishment of the National Humanities

Foundation to promote progress and scholarship in the humanities and the arts, and for other purposes. EXHIBIT T

6. H.R. 334-1/4/65-Mr. Moorhead-89th Congress

To provide for the establishment of the National Humanities Foundation to promote progress and scholarship in the humanities and the arts, and for other purposes. EXHIBIT U

The members decided that additional study of the above bills was required before any action could be taken on them.

7. H.R. 1670-1/6/65-Mr.Curtain-89th Congress

To amend the Act of August 21, 1935, to provide for a determination of whether certain sites, buildings, or other objects are of national historical significance, and to prohibit the use of Federal funds for highway purposes which damage or destroy national historical sites, buildings, or other objects. EXHIBIT V

The members discussed the above bill and decided that ~~presentation~~ preservation of objects of National Historical significance was necessary but that the method prescribed was inadequate. The Commission's decision, forwarded to the Director of the Bureau of the Budget, is EXHIBIT W.

8. H.J. Res. 99-1/4/65-Mr.Stratton-89th Congress

Authorizing the establishment of a National Railroad Museum in the city of Oneonta, New York. EXHIBIT X

9. S.J. Res. 5 - 1/6/65-Mr. McGovern-89th C

Designating the bridge crossing the Washington Channel near the intersection of the extension of Thirteenth and G Streets Southwest the "Francis Case Memorial Bridge." EXHIBIT Y

The members had no objections to the enactment of the above bills. The Commission's approval, forwarded to the Director of the Bureau of the Budget, is EXHIBIT Z.

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS MAY 17, 1910

WILLIAM WALTON, Chairman
GORDON BUNSHAFT — ALINE B. SAARINEN
BURNHAM KELLY — HIDEO SASAKI
THEODORE ROSZAK — JOHN CARL WARNECKE
LINTON R. WILSON, Secretary

16 February 1965

INTERIOR DEPARTMENT BUILDING
WASHINGTON

Dear General Duke:

As you know, the Zoning Commission is currently considering a number of proposed amendments to Article 75 of the Zoning Regulations of the District of Columbia.

In view of the far reaching effects of these proposed amendments, we feel it important that plans for all future developments which qualify under Article 75 should be reviewed and examined by the Commission of Fine Arts.

The stated intent of Article 75 is the encouragement of creative design and imaginative planning in large-scale planned developments within specified portions of the city. The provisions of this section of the Zoning Regulations permit qualifying large-scale developments of a greater variety of function and a wider flexibility of design than otherwise would be possible under the restrictions required by general zoning regulations.

Current regulations require that such developments contain at least five acres to qualify under the provisions of Article 75. A proposed amendment, now under consideration by the Zoning Commission, would reduce the minimum acreage requirement from five to one and one-half acres in certain specified districts.

If adopted, this reduction in acreage requirements would extend the more flexible provisions of Article 75 to large areas of the city now regulated by the more stringent controls of the general zoning laws. It seems evident that adoption of this amendment would substantially increase the number of such planned developments to be constructed in the future.

Article 75 now requires that plans for these developments be submitted to the National Capital Planning Commission for review and report, in consideration of the height, use, density, bulk, and area provisions of the Zoning Regulations.

EXHIBIT A

In the future, we feel these plans could be submitted directly to the Commission of Fine Arts as well, to insure their compliance with the highest possible standards of urban and architectural design.

It would also be possible for the Zoning Commission to submit these plans to the Commission of Fine Arts through the Office of Licenses and Inspections of the District of Columbia in a procedure identical to that now followed, in connection with other areas of the city, under the provisions of the Shipstead-Luce Act.

But regardless of the specific procedures involved, we feel it important that plans for all developments qualifying under Article 75 be reviewed by the Commission of Fine Arts before final approval by the Zoning Commission. We would be grateful if you would notify us of your decision on the acceptability of such review prior to final ratification of the proposed amendment.

For the Commission of Fine Arts:

Sincerely yours,

William Walton
Chairman

Brigadier General C. M. Duke
Engineer Commissioner of the
District of Columbia
District Building
Washington, D. C. 20004

ALLEN J. ELLENDER, LA., CHAIRMAN
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United States Senate

COMMITTEE ON
AGRICULTURE AND FORESTRY

February 4, 1965

Mr. William Walton
Chairman
Commission of Fine Arts
Washington, D.C.

Dear Mr. Walton:

I am gravely disturbed by repeated reports that the Commission of Fine Arts has laid down a policy decreeing that stone must not appear on any building winning its approval.

This is said to be common knowledge in construction circles. I have also been told on highly reliable authority that architects have learned that to win acceptance of their designs they must use some form of exposed concrete.

I should like to know specifically what policy, if any, has been adopted by the Commission to govern the selection of concrete or a natural stone. I should also like to know if it is true that, since the appointment of the present Commission in 1961, more than half a dozen major buildings which have been approved are being built or are to be built of poured or pre-cast concrete. In this connection it would be helpful to have a list of all buildings constructed since 1961 with the Commission's approval, and to what extent concrete in any form and/or natural stone is used for exteriors.

I should like to know why it is, if true, that in planning these new buildings only contemporary design is used instead of the monumental structures of classic design that have made Washington one of the great architectural centers of the world.

Finally, it is only fair to ask if it is true that the policy of former Commissions, which held that marble should be used for buildings on the Mall and limestone for those on avenues adjoining the Mall, was changed within two years after the present Commission took office.

EXHIBIT B

I emphasize that this is not intended as criticism of the talented persons who comprise the Commission. My concern is that the architectural beauties of our Capital be preserved and expanded by the continued use of those natural stones of lasting quality that have made Washington buildings truly outstanding.

It also seems to me that if concrete rather than stone is to be used in our new Federal buildings, such decision would be inconsistent with Mrs. Lyndon Johnson's campaign to make our Capital city still more beautiful.

Sincerely yours,

GEORGE D. AIKEN

GDA:ej

17 February 1965

Dear Senator Aiken:

At the outset of this letter I wish to make a flat statement that the Commission of Fine Arts has at no time laid down any policy forbiding the use of stone in buildings that come to us for review. The Commission does not choose materials for buildings: it either accepts or rejects the designs that are presented by General Services Administration and private architects. I start out with these statements because I want them clearlyeemphasized.

Your letter suggests that at some time in 1961 the members of this Commission adopted a new policy. May I point out to you that six of the seven members of this Commission took office in the summer of 1963. The seventh took office in 1962. Therefore, I think you will see that it was impossible for us to have laid down some new policy in 1961, and to the best of my knowledge no such policy has been adopted, nor do I think it ever will.

I would like to emphasize to you that the members of this Commission are entirely open minded in their approach to architecture, both as to style and to content, which includes materials. Our aim is the same that has guided the Commission since its inception in 1910. We wish to contribute to the development of a harmonious city, which I would interpret to mean that new buildings had to fit with their neighbors. For instance, if I were expressing a personal prejudice, I would say that I thought that the Mall area was an unsuitable site for any building that was largely glass, like many of the tall buildings along Park Avenue in New York. Glass buildings have their place, but I don't feel that it is here.

I have asked my staff to prepare a list of all buildings that have been reviewed by the present members of this Commission, a period that really covers only about 18 months. I will forward that list to you as soon as it has been compiled. In the meantime let me say that the two major designs that have come before us were

EXHIBIT D

for Federal Office Building No. 5 and for the National Air and Space Museum. The architects specifications called for construction of both of those buildings in some kind of concrete aggregate which, as I understand it, includes small bits of natural stone and gives an effect far different than the kind of raw concrete we associate with factories and other commercial buildings. In neither of these cases did the Commission choose the material. We approved the designs and in so doing approved the material. When handsome natural stone buildings are proposed to us, I dare say we will approve them too.

I have tried to answer your questions, but if I have left any corners unlit please let me know. I would be happy to discuss it with you at any time and will send along the list of buildings in the near future.

With best wishes,

William Walton
Chairman

Honorable George D. Aiken
United States Senate
Washington, D. C.

OK - WW

17 February 1965

Dear Senator Javits:

The Commission of Fine Arts has never, nor is it likely to, laid down a policy requiring any one type of building material for structures that come up for review. The stone contracting industry has misinformed you in that respect.

The Commission of Fine Arts does not choose materials for buildings. It has the power to approve or disapprove specific designs that are submitted by the General Services Administration and by various private architects. The Commission expresses its opinion about the suitability of surface materials but it never chooses materials.

Of the two buildings which you mention, Federal Office Building No. 5 and the National Air and Space Museum of the Smithsonian both were presented by General Services Administration and their architects, and in both cases a poured aggregate was proposed as the surface material. In both cases, the Commission of Fine Arts asked for changes in the design but not in the building material.

As you know, contemporary architects have found various kinds of aggregate a much more flexible material for creating handsome and enduring effects in architecture. This Commission neither forbids nor promotes this or any other material but tries to decide its position on the merits of each design as they are presented.

I hope this clarifies our position, but if it doesn't I would be happy to discuss it with you at any time.

With best wishes,

William Walton
Chairman

Honorable Jacob K. Javits
United States Senate
Washington, D. C.

OK - WW

EXHIBIT E

REPORT OF ACTIONS TAKEN ON SHIPSTEAD-LUCE ACT APPLICATIONS 2/17/65

NO SL 65-	ADDRESS AND OWNER	PROJECT
99	1425 G St., NW Peoples Drug Stores	2 s-f signs, 50 sq-ft total. Gold-faced ltrs., black bckgd. Illuminated. 1 on N. Y. Ave. & 1 on G St.

ACTION: App'd. provided face of sign is mounted 8" back of showwindow fascia & bottom 8" above concrete slab; also provided that encl. case & ltrs. are a bronze color to match material of showwindow fascia, with either a black or white bckgd. Location app'd. as shown on drawings, 2/5/65.

103	2041 Park Rd., NW Samuel Kristofix	Relocate front entr. door & hall & window in 1st story, replace wood fl. of front portch with conc.

ACTION: App'd. as revised, 2/15/65.

104	1700 Pa. Ave., NW Mills Bldg. Associates, Inc.	Constr. covered walkway 6' in public sidewalk on Pa. Ave. & 17th St. sides.

ACTION: App'd., provided that all signs are located within 1 sign panel with uniform style lettering, 2/17/65.

105	415-12th St., NW Jerry Wolman	12-story off. bldg. fronting on Pa. Ave., 11th & 12th Sts., NW.

ACTION: App'd. as a prel. design. Request detailed elevations, sections & roof plans, plus large scale samples of all exterior materials for review, 2/17/65.

APPENDIX 1

EXHIBIT F

REPORT OF ACTIONS TAKEN ON SHIPSTEAD-LUCE ACT APPLICATIONS

FEB 1 1 1965

NO SL 65-	ADDRESS AND OWNER	PROJECT
96	415 New Jersey Ave., SE J. Anthony Moran	Alterations to exist. 4-unit apt. bldg.
ACTION: App'd., 2/3/65.		
97	2041 Park Rd., NW Samuel Kristofik	Relocate front entr. door, window & hall in lst story, replace wood fl. of front porch with concrete.
ACTION: App'd., provided that triple window is reduced to 9' in width & centered under 2 2nd-story windows, & that rail adjacent to cellar entr. match porch rail. Request revised sketch, 2/3/65.		
98	2039 Park Rd., NW Edward Skvara	Relocate front entr. door, window, & hall in lst story; replace wood fl. of front porch with concrete, removing porch roof.
ACTION: App'd., provided rail adjacent to cellar entr. match porch rail, 2/3/65.		
100	8204-16th St., NW Dr. Miklos Cserepfalvi	Rev. of SL 64-138. Residence & Offices.
ACTION: Request add'l. inf; details of brick ret. wall on D. C. line (elevations of wall in relation to adjoining grade); landscape plan showing all exist. & proposed major planting; location & treatment of air-cond. units on south elevation, 2/3/65.		
101	2321 Va. Ave., NW James F. Roberts	Alterations.
ACTION: App'd. as revised, 2/1/65.		
102	601-19th St., NW Town House Pharmacy	2 s-f, plastic faced signs with silhouette lighting. 23 sq-ft. 1 sign on F St. 1 sign on 19th St.
ACTION: Disap'd. Recom. a single sign on canopy over entr., omitting all advertising material & limiting text to name of business. Sign to be 1'-3" high, with free-standing back-lighted opaque ltrs., FEB 1 1 1965		

REPORT OF ACTIONS TAKEN ON OLD GEORGETOWN ACT APPLICATIONS

FEB 1 1 1965

NO OG 65-	ADDRESS AND OWNER	PROJECT
171	1219 Wisc. Ave., NW Britts	Replace rotted window sash & brick mould on sides & rear only as required.

ACTION: Recom'd. for replacement of window sash on alley & rear elevations as shown on corrected drawings. Lights in any given sash to be uniform size & proportion. Sash & other wood trim to be painted white. Request revised drawing for confirmation of exact light sizes, 2/2/65.

183	3256 N St., NW Col. R. Renola	6' wooden stockade fence to replace exist. fence.

ACTION: Recom'd., 2/2/65.

184	1014 Thos. Jeff. St. Sol Grossman	1 d-f, 12 sq-ft sign on pole. Black ltrs. on white bckgd.

ACTION: Recom'd. provided classical ltrs. with seriphs substituted for proposed ltring., & that colors be limited to black & white, 2/2/65.

185	1660-33rd St., The Sign Shop	1 s-f, 25 sq-ft sign. Flat against bldg. White ltrs., burgandy bckgd.

ACTION: Not recom'd. Proposed sign too large & is unsuitable to character of exist. bldg. Recom. smaller sign, approx. 20" x 30", located between door & window 6' above stoop. Text to be limited to name of business. Colors app'd. as submitted, FEB 1 1 1965

186	3314 P St., Donald N. Bigelow	Changes to fenestration. New area & steps on st. facade.

ACTION: Recom'd., 2/2/65.

187	1810-12 Wisc. Ave., A. L. Hutton, Inc.	Erect 2 new showwindows, new steps & stoop. Install new doors.

ACTION: Recom'd. Request subm. of larger scale detail section through cornice over showwindow, & sample of proposed colors. Also flat arch over doorway to be 4 brick courses high & centered, 2/2/65.

EXHIBIT G

NO OG 65-	ADDRESS AND OWNER	PROJECT
188	2915 Q St., NW Wm. Swift-Martin	Expand &/or enlarge front rms. (living rm., bedrm., & basem.) Remove old porch & install new bathrm.

ACTION: Recom'd. for all work with exception of front steps. Request add'l. inf. on method of support of steps. Also request sample of brick for review, 2/2/65.

189	1063 Wisc. Ave. Hugo Formato	Replace garage door with new windows & doors.

ACTION: Recom'd., 2/2/65.

191	2909 M St. Maxwell H. Stokes	Replace M St. facade, roof front, & center section, new center (court) facade, new porch, new stairs, new sash.

ACTION: Recom'd. as revised on front elevation drawing No. 2, omitting vertical muntins & reducing number of lights to 4 per 2nd fl. sash. Same treatment to be carried around corner & applied to west side elevation of gabled bldg., 2/2/65.

192	3114 R St. L. R. Houston	$6\frac{1}{2}$' close woven cedar sapling fence along part of west side of property.

ACTION: Recom'd., 2/2/65.

193	3402 Q St. Senator A. Ribicoff	Hang new fixture on exist. outlet at front entr.

ACTION: Recom'd., 2/2/65.

194	3312 N St., NW Edw. J. Dies	Replace light on front of house.

ACTION: Recom'd., 2/2/65.

NO OG 65-	ADDRESS AND OWNER	PROJECT
Inf. 195	1607-34th St., NW Mrs Rose Vallila	Addn. of 2nd fl. rm. & 3rd fl. rm. with pitched roof.
ACTION: Recom'd. for prel. scheme, 2/2/65.		
197	1014 Thos. Jeff. St. Sol's Parking	Install 1 pole with 4 flood lights.
ACTION: Recom'd. for a single pole 4-fixture installation, 400 Watt R-60 M.V., Item #3714, as manuf'd. by Stonco Electric Products Co. Pole not to exceed 16' height, located approx. in middle of lot, 2/3/65.		

REPORT OF ACTIONS TAKEN ON OLD GEORGETOWN ACT APPLICATIONS 2/17/65

NO OG 65-	ADDRESS AND OWNER	PROJECT
190	1619 Wisc. Ave., NW Randolph W. Reed, Jr.	Remove exist. masonry pier & windows. Install new circular window (at 1st fl. only) in opening. Install lamppost & sign.
ACTION: Recom'd. Paint sash to match color of bldg., 2/15/65. Action does not apply to sign.		
196	3415 "O" St., NW Richard Scott	Change front windows & repair house.
ACTION: Recom'd. as shown on attached revised front elevation, 2/15/65.		
198	2901 K St., NW Howat Concrete Co., Inc.	Erect 2 sections of used 30" conveyor (130') & supports. Install double material hoppers as shown in schematic, pit to be steel H Beams with creosoted wood lagging.
ACTION: Recom'd. as an installation of mechanical equipm., provided that it be encl'd. within a suitable screening material painted a neutral color. Request detailed drawing of design, 2/15/65.		
199	1339 Wisc. Ave., NW American Security & Trust Co.	1 d-f dark oxidized sign (copper) with raised cast bronze ltrs. (or painted if recom'd.) 19.5 sq-ft.
ACTION: Not recom'd: projecting sign unsuitable. See action on OG 65-110, 2/16/65.		
201	2915 Q St., NW Wm. Swift-Martin	Front to be pulled forward & made out of new brick. Limestone & wood doors & windows.
ACTION: Recom'd. for design of front elevation & brick sample, Borden Brush Tex-Red Range, standard size, 2/15/65.		
202	1219 Wisc. Ave., NW Matthew M. Wise (Restaurant)	Replace rotted out window sash & brick mould as required on sides & rear only.
ACTION: Recom'd. as revised. Trim to be painted a light neutral color or white, 2/15/65.		

APPENDIX 2

NO OG 65-	ADDRESS AND OWNER	PROJECT
203	1075 Wisc. Ave., NW Mrs. Hans V. Tofte	Reface exist. front & back stoops, change 2 openings on front & add wood trim to rear entr., shutters on front.

ACTION: Recom'd., provided 1st fl. windows & doors be 4-lights high, & that shutters are omitted from doorway. Request sketch of revised design, 2/15/65.

204	3210 N St., NW Gallery Coffee House	1 d-f, 12 sq-ft hanging sign. Gold & black, natural wood.

ACTION: Recom'd. with suggestion that top member of bracket have welded connections, 2/15/65.

Inf. 200	3800 Reservoir Rd., NW Georgetown U. Medical Center	Addns. to exist. medical center complex.

ACTION: Not recom'd: request further study of site plan. Placement of new bldgs. in relation to exist. bldgs., density & massing of structures & relation of parking structures to Reser. Rd. were elements that were particularly questionable in terms of the long term growth of the Medical Center, 2/17/65.

REPORT OF ACTIONS TAKEN ON OLD GEORGETOWN ACT APPLICATIONS

MAR 1 0 1965

NO OG 65-	ADDRESS AND OWNER	PROJECT
205	2928 M St., NW The Packing Crate	1 canvas, blue & white awning. No fixed iron frames or posts.
ACTION: Recom'd. provided roll-type awning be substituted for shed-type awning & that fabric be limited to solid color blue. Request revised design, 3/4/65.		
206	1642-29th St., NW Max Freedman	5' western cedar louvred fence to replace exist.
ACTION: Recom'd. Suggest fence be left unpainted, 3/4/65.		
207	1403 Wisc. Ave., NW Peoples Drug Store	1-story & basem. drug store. 1st choice. See OG 65-208 for alternate.
ACTION: Not recom'd. See action on OG 65-208, 3/4/65.		
208	1403 Wisc. Ave., NW Peoples Drug Store	1-story & basem. drug store. Alternate scheme. See OG 65-207 for 1st choice.
ACTION: Recom'd. further study of treatment of elevations at the corner of Wisc. Ave. & "O" St. In particular, study relationship of showwindow with adjoining masses. Also reduce distance between head of window & cornice line on principal mass facing Wisc. Ave., 3/4/65.		
209	1644-31st St., NW Armistead Peter, III	7' chain-link fence.
ACTION: Not recom'd. Character of 7' high chain-link fence unsuitable in Georgetown area, MAR 1 0 1965		
210	1810-12 Wisc. Ave., NW A. L. Hutton, Inc.	Erect showwindows & steps, change door locations.
ACTION: Recom'd. as revised, 3/4/65.		

REPORT OF ACTIONS TAKEN ON OLD GEORGETOWN ACT APPLICATIONS (Continued)

MAR 1 0 1965

NO OG 65-	ADDRESS AND OWNER	PROJECT
211	3222 M St., NW D. C. Transit System, Inc.	Replace & recess entr. doors. Replace exist. overhead door. Replace all exist. windows. Paint entire face of bldg.
ACTION: Recom'd. provided that sash on lst fl. is equally divided with 6 over 6 lights. Request subm. of revised design, 3/4/65.		
212	3038 Cambridge Pl., NW Calvin Cafritz	Revised front elevation indicating placement of muntins. 3 Revised rear elevations (schemes A,B, & C) indicating studies for solutions suggested by OG Board.
ACTION: App'd. as revised on sketches. Muntins to be integral with window sash, 2/19/65.		
213	1724-34th St., NW James P. Cahill	Rebuild front entr. step.
ACTION: Recom'd. provided more suitable design is substituted for proposed door. Request subm. of revised design, 3/4/65.		
214	1418 Wisc. Ave., NW The Bootery	Exterior painting & refurbishing, interior alterations & redecorating.
ACTION: Recom'd. for repainting exist. elevation with a light neutral color or white, 2/19/65.		
215	1440-36th St., NW Miss E. McClea	Replace exist. stairs, paint white.
ACTION: Recom'd., 2 Mar. 1965.		
216	1729 Wisc. Ave., NW DISC, Inc.	1 tempo. sign on constr. barricade. 36.5 sq-ft.
ACTION: Recom'd. as tempo. sign provided total area of sign is reduced to 25 sq-ft, that insignia be omitted, & that lettering be limited to a single color. Request subm. of revised design, 3/4/65.		

NO OG 65-	ADDRESS AND OWNER	PROJECT
217	3013 Dumbarton St., NW Robert Sivard	5'-3" solid conc. block & brick ret. wall.
ACTION: Recom'd. provided that wall be surfaced with brick where visible from public space. Brick to be standard rose or red color, 3/4/65.		
218	1506-27th St., NW Robert G. Enzel	Install light fixture at main entr. door (In place).
ACTION: Recom'd., 3/2/65.		
219	1508-27th St., NW Robert G. Enzel	Install light fixture at main entr. door.
ACTION: Recom'd., 3/2/65.		
220	1628-29th St., NW Chas. A. Haskins	Install new window in south wall & build partition on 1st fl.
ACTION: Recom'd. for new window only, 3/2/65.		
221	3035 K St., NW Sol Grossman	6' chain-link fence & 3 strands of barbed wire facing inward.
ACTION: Recom'd. provided that chain-link fence & barbed wire be screened with cedar sapling fence or equivalent material, 3/4/65.		
Inf. 222	27th & Q Sts., NW Apt. House	New 6-unit apt. bldg.
ACTION: Recom'd. as prel. design, simplifying entranceway, front elevation, setting back central parapet wall several feet, & revising window openings to provide for rectangular lights in all sash. Also recom. a dark red brick, 3/4/65.		

3 March 1965

Dear Mr. Biggs:

At its regular meeting on February 17, the Commission of Fine Arts considered a proposed design for a new refrigeration plant to be constructed on the grounds of the National Institutes of Health.

The Commission was unable to approve the proposed design, and felt that the information submitted for its consideration was insufficient.

The members objected particularly to the location of the plant and felt that it should be sited not in an open green space, but in the Institute's pre-established utilities area.

The Commission requested that a master plan of the Institute's entire grounds, a detailed site plan of the proposed plant, and a detailed explanation of the building's program requirements accompany the next submission. We would also appreciate 8x10 photographs of the presently proposed site as seen from several points of view.

The next meeting of the Commission is scheduled for 16-17 March.

For the Commission of Fine Arts:

Sincerely yours,

William Walton
Chairman

Mr. Howard M. Biggs
Chief, Research Facilities Planning Branch
Division of Research Services
National Institutes of Health
Bethesda 14, Maryland

EXHIBIT H

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS MAY 17, 1910

WILLIAM WALTON, Chairman
GORDON BUNSHAFT
BURNHAM KELLY
THEODORE ROSZAK
ALINE B. SAARINEN
HIDEO SASAKI
JOHN CARL WARNECKE
LINTON R. WILSON, Secretary

1 March 1965

INTERIOR DEPARTMENT BUILDING
WASHINGTON

Dear Mr. Knott:

At its regular meeting on February 17, the Commission of Fine Arts considered the selection of artists for the execution of paintings and pieces of sculpture for installation in a new Federal Office Building on Boston, Massachusetts.

The Commission felt that the examples of the artists' work which were submitted were of a uniformly high quality and agreed that the final selection should be made by the designing architects.

In addition, the members wished to congratulate the General Services Administration's Public Buildings Service on the quality of the works of art submitted for the Commission's consideration.

For the Commission of Fine Arts:

Sincerely yours,

William Walton
Chairman

Honorable Lawson B. Knott, Jr.
Acting Administrator
General Services Administration
Washington, D. C.

EXHIBIT I

3 March 1965

Dear Mr. Jett:

At its regular meeting on February 17, the Commission of Fine Arts considered a proposed design for a new Northwest Sub-maintenance Unit for the National Capital Region of the National Park Service on Reservation 469 in Northwest Washington.

Although there was no objection to the general design of the building, the members of the Commission were uncertain about the effect the horizontal strip windows would have on the appearance of the elevations. The fascia and separations between sash were quite thick and might look somewhat cumbersome.

If these elements were executed in a dark bronze or other similar material, this tendency would probably be offset.

We would therefore like to see samples of the exterior materials before final approval of the design.

The next meeting is scheduled for 16-17 March.

For the Commission of Fine Arts:

Sincerely yours,

William Walton
Chairman

Mr. T. Sutton Jett
Regional Director
National Capital Region
National Park Service
1100 Ohio Drive, S.W.
Washington, D. C.

EXHIBIT J

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS MAY 17, 1910

WILLIAM WALTON, Chairman
GORDON BUNSHAFT
BURNHAM KELLY
THEODORE ROSZAK
ALINE B. SAARINEN
HIDEO SASAKI
JOHN CARL WARNECKE
LINTON R. WILSON, Secretary

1 March 1965

INTERIOR DEPARTMENT BUILDING
WASHINGTON

Dear Colonel Temple:

At its regular meeting of February 16, the Commission of Fine Arts considered a proposed design for a Seal for the President's Council on Aging.

In conditionally approving the proposed design, the Commission suggested that the green "plaid" area surrounding the shield be altered. It was felt that a solid green area would be more suitable. A thin green line describing the shield against a gold background would also be acceptable.

For the Commission of Fine Arts:

Sincerely yours,

William Walton
Chairman

Colonel Harry D. Temple
Commanding Officer
The Institute of Heraldry, U. S. Army
Cameron Station
5010 Duke Street
Alexandia, Virginia 22314

EXHIBIT K

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS MAY 17, 1910

WILLIAM WALTON, Chairman
GORDON BUNSHAFT — ALINE B. SAARINEN
BURNHAM KELLY — HIDEO SASAKI
THEODORE ROSZAK — JOHN CARL WARNECKE
LINTON R. WILSON, Secretary

1 March 1965

INTERIOR DEPARTMENT BUILDING
WASHINGTON

Dear Colonel Temple:

At its regular meeting on February 16, the Commission of Fine Arts considered two proposed medal designs for the National Aeronautics and Space Administration's Third Degree Award.

The Commission preferred and approved the medal designated "Design A" for the NASA Third Degree Award.

For the Commission of Fine Arts:

Sincerely yours,

William Walton
Chairman

Colonel Harry D. Temple
Commanding Officer
The Institute of Heraldry, U.S. Army
Cameron Station
5010 Duke Street
Alexandria, Virginia 22314

EXHIBIT L

89TH CONGRESS
1ST SESSION

S. 310

IN THE SENATE OF THE UNITED STATES

JANUARY 7, 1965

Mr. JAVITS (for himself, Mr. COOPER, Mr. DOUGLAS, Mr. LONG of Missouri, Mr. METCALF, Mr. PELL, Mr. RANDOLPH, Mr. SCOTT, and Mr. YARBOROUGH) introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

A BILL

To amend the National Arts and Cultural Development Act of 1964 to authorize the National Council on the Arts to accept and receive bequests, gifts, and donations for use in carrying out the purposes of such Act, and to establish the National Arts Foundation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Arts Foundation Act of 1965".

SEC. 2. The National Arts and Cultural Development Act of 1964 is hereby amended as follows:

(a) Amend paragraph (5) of section 2 by inserting,

EXHIBIT N

after "National Council on the Arts", the following: "and a National Arts Foundation".

(b) Insert, after section 3, the following title heading:

"TITLE I—NATIONAL COUNCIL ON THE ARTS"

(c) Redesignate sections "4.", "5.", "6.", "7.", "8.", "9.", "10.", and "11.", as sections "101.", "102.", "103.", "104.", "105.", "106.", "107.", and "108.", respectively.

(d) Amend section 107, as redesignated pursuant to subsection (c) of this section, by striking out "Act" and inserting in lieu thereof "title".

(e) Amend section 108, as redesignated pursuant to subsection (c) of this section, as follows:

(1) In subsection (a) strike out "Act" and insert in lieu thereof "title".

(2) In subsection (b) strike out "Act" the first time it appears and insert in lieu thereof "title".

(f) At the end of title I, as designated by subsection (b) of this section, add the following new section:

"BEQUESTS, GIFTS, DONATIONS

"SEC. 109. The Council is authorized to accept and receive from public or private sources, by devise, bequest, gift, donation, or otherwise, money and securities and real, personal, or mixed property; to hold the same absolutely or in trust; to invest, reinvest, manage, and dispose of the same; and to apply such money, securities, or property, the

proceeds thereof, or the income derived therefrom, to such expenditures and disbursements as the Council shall determine to be necessary or appropriate for the performance of its functions. For the purposes of the United States income, estate, and gift tax laws, any gift, donation, devise, or bequest accepted by the Council under this section shall be deemed to be a gift, donation, devise, or bequest to or for the use of the United States."

(g) After title I, as designated by subsection (b) of this section, add the following new title:

TITLE II—NATIONAL ARTS FOUNDATION

"ESTABLISHMENT OF FOUNDATION

"SEC. 201. There is hereby established in the executive branch of the Government an independent agency to be known as the National Arts Foundation (hereinafter referred to as the 'Foundation').

"TRUSTEES OF FOUNDATION

"SEC. 202. (a) The Foundation shall be subject to the general supervision and policy direction of a board of trustees which shall consist of twenty-one members to be appointed by the President, by and with the advice and consent of the Senate. Such members shall be selected (1) from among private citizens of the United States who are widely recognized for their broad knowledge of or experience in, or for their profound interest in, the arts; (2) so as

to include practicing artists, civic cultural leaders, members of the museum profession, and others who are professionally engaged in the arts; and (3) so as collectively to provide an appropriate distribution of membership among the major art fields listed in section 210(a) of this title. The President is requested in the making of such appointments to give consideration to such recommendations as may from time to time be submitted to him by leading national organizations in these fields and the National Council on the Arts.

"(b) The term of office of each trustee of the Foundation shall be six years; except that the terms of the trustees first taking office after the enactment of this title shall expire, as designated by the President at the time of appointment, seven at the end of two years after the date of enactment of this title, seven at the end of four years after such date, and seven at the end of six years after such date. If a vacancy occurs in the term of office of a trustee, such vacancy shall be filled only for the unexpired portion of such term. Any person who has been a trustee of the Foundation for twelve or more consecutive years shall be ineligible for appointment during the two-year period following the termination of his duties as such a trustee.

"(c) Any vacancy in the Foundation shall not affect its

powers, but shall be filled in the same manner in which the original appointment was made.

"(d) A majority of the trustees of the Foundation shall constitute a quorum.

"(e) The President shall call the first meeting of the trustees of the Foundation, at which the first order of business shall be the election of a Chairman and a Vice Chairman, who shall serve until two years after the date of enactment of this title. Thereafter each Chairman and Vice Chairman shall be elected for a term of four years in duration and each such election shall take place at the annual meeting occurring at the end of each such term. The Vice Chairman shall perform the duties of the Chairman in his absence. In case a vacancy occurs in the chairmanship or vice chairmanship, the Foundation shall elect an individual from among the trustees to fill such vacancy for the remainder of such term.

"(f) The trustees of the Foundation shall meet at the call of the Chairman, but not less than four times each year. The Chairman shall also call a meeting whenever one-third of the trustees so request in writing. Each trustee shall be given notice, by registered mail mailed to his last known address of record not less than fifteen days prior to any meeting, of the call of such meeting.

"DIRECTOR OF FOUNDATION

"SEC. 203. (a) The Director of the Foundation shall be appointed by the President, by and with the advice and consent of the Senate. In the appointment of the Director the President is requested to give due consideration to any recommendations submitted to him by the Board of Trustees. The Director shall serve as an ex officio trustee of the Foundation. In addition, he shall be the chief executive officer of the Foundation. The Director shall receive compensation at the rate prescribed for level III of the Federal Executive Salary Schedule established by the Federal Executive Salary Act of 1964, and shall serve for a term of six years unless previously removed by the President.

"(b) The Director may appoint, with the approval of the Board of Trustees, a Deputy Director, who shall perform such functions as the Director, with the approval of the trustees, may prescribe, and shall be Acting Director during the absence or disability of the Director. In the event of a vacancy in the office of the Director, the Deputy Director shall serve as Acting Director until the President shall fill such vacancy. The Deputy Director shall receive compensation at the rate prescribed for level V of the Federal Executive Salary Schedule established by the Federal Executive Salary Act of 1964.

"(c) The Director shall have general authority to carry

out and execute the programs of the Foundation on a full-time, continuous basis, to recommend programs to the Foundation, and to discharge such other functions as the Foundation may delegate to him consistent with this title.

"(d) The Director and the Deputy Director shall be reimbursed for travel and subsistence expenses incurred by them while away from their homes or regular places of business in accordance with the Travel Expense Act of 1949, as amended, and the Standardized Government Travel Regulations.

"(e) The Director and the Deputy Director shall be appointed without regard to the civil service laws and regulations.

"(f) The Director and the Deputy Director shall not engage in any other business, vocation, or employment than that of serving as Director or Deputy Director, or hold any office in, or act in any capacity for, any organization, agency, or institution with which the Foundation makes any contract or other arrangement under this title.

"GRANTS TO GROUPS AND STATES

"SEC. 204. (a) (1) The Foundation is authorized to establish and conduct a program of grants-in-aid in a manner consistent with sections 2 and 3 of the National Arts and Cultural Development Act of 1964, from the funds appropriated to the Foundation or otherwise obtained pursuant

to section 206(a) (3) or (4) of this title, to nonprofit professional groups (and nonprofit groups meeting professional standards or standards of authenticity) engaged in or concerned with the arts, for the purpose of enabling such groups to provide (A) productions which have substantial artistic and cultural significance, giving emphasis to American creativity, (B) productions irrespective of origin which are of significant merit and which, without such assistance, would otherwise be unavailable to our citizens in many areas of the country, (C) projects that will encourage and assist artists who are citizens or who have evidenced their intention to become citizens of the United States, (D) projects that will encourage and develop the appreciation and enjoyment of the arts by our citizens, and (E) other relevant projects including surveys, research, and planning in the arts. No portion of any moneys granted under this subsection shall be applied to the purchase, erection, preservation, or repair of any building or buildings, or for the purchase or rental of any lands.

"(2) No payment may be made to any group under this section except upon application therefor which is submitted to the Foundation in accordance with regulations prescribed by the Foundation.

"(3) The amount of any grants allotted to any group pursuant to this subsection shall not exceed 50 per centum

of the total cost of such project or production, except that not more than 20 per centum of the funds appropriated to the Foundation for the purposes of this section for any fiscal year may be available for allotment by the Foundation in such fiscal year without regard to such limitation in the case of any group which submits evidence to the Foundation that it has attempted unsuccessfully to secure an amount of funds equal to the grant applied for by such group, together with a statement of the proportion which any funds it has secured represent of the funds applied for by such group.

"(4) Any group shall be eligible for financial assistance pursuant to this section only if (A) no part of its net earnings inures to the benefit of any private stockholder, or stockholders, or individual or individuals, and (B) donations to such group are allowable as a charitable contribution under the standards of subsection (c) of section 170 of the Internal Revenue Code of 1954.

"(5) Except as otherwise provided in the second sentence of subsection (b) (3) of this section, the total amount appropriated to the Foundation for grants-in-aid to groups for any fiscal year shall be equal to the total amounts appropriated to the Foundation for grants-in-aid to States for such fiscal year.

"(b) (1) The Foundation is authorized to establish and conduct a program of grants-in-aid, in a manner consistent with the declaration of policy set forth in the National Arts and Cultural Development Act of 1964, from the funds appropriated to the Foundation or otherwise obtained pursuant to section 206 (a) (3) or (4) of this title, to assist the several States in supporting existing projects and productions which are making a significant public contribution in one or more of the arts, and in developing projects and productions in the arts in such a manner as will furnish adequate programs, facilities, and services in the arts to all the people and communities in each of the several States. No portion of any moneys granted under this subsection shall be applied to the purchase, erection, preservation, or repair of any building or buildings, or for the purchase or rental of any lands.

"(2) In order to receive such assistance in any fiscal year, a State shall submit an application for such grants prior to the first day of such fiscal year and accompany such application with a plan which the Foundation finds—

"(A) designates a State agency (hereinafter in this title referred to as the 'State agency') as the sole agency for the administration of the State plan;

"(B) provides that funds paid to the State under this title will be expended solely on projects and produc-

tions approved by the State agency which carry out one or more of the objectives of this title; and

"(C) provides that the State agency will make such reports, in such form and containing such information, as the Foundation may from time to time require.

"(3) Each State which has a plan approved by the Foundation in effect on the first day of the fiscal year beginning July 1, 1965, or any succeeding fiscal year, shall be entitled to a maximum allotment in any such fiscal year of an amount equal to half the total amount appropriated to the Foundation for the purposes of this section for such fiscal year divided by the total number of States. In the event that any sum is remaining out of the maximum allotment available for grants to each State in any fiscal year after all allotments are made to States with approved plans in effect on the first day of such fiscal year, the Foundation, in its discretion, may grant the aggregate of such remaining sums or any portion thereof to any group eligible for financial assistance under subsection (a) of this section or State agency for projects and productions which the Foundation finds will encourage the arts in areas where such assistance will be of value. In making grants to any group pursuant to this subsection, the Foundation shall require matching

funds in accordance with the provisions of subsection (a) (3) of this section.

"(4) The amount of any grants allotted to any State or State agency pursuant to this subsection for any project or production shall not exceed 50 per centum of the total cost of such project or production.

"(c) Whenever the Foundation, after reasonable notice and opportunity for hearing to any group or State agency, finds that—

"(1) any such group is not complying substantially with the provisions of this title;

"(2) any such agency is not complying substantially with the terms and conditions of its State plan approved under this title; or

"(3) any funds granted to such group or agency under this title have been diverted from the purposes for which they were allotted or paid

the Foundation shall immediately notify the Secretary of the Treasury and the group or State agency concerned that no further grants will be made under this title with respect to such group or State agency until there is no longer any default or failure to comply or the diversion has been corrected, or, if compliance or correction is impossible, until the group or State repays or arranges the repayment of

the Federal funds which have been improperly diverted or expended.

"ADVISORY COMMITTEES, COUNCILS, OR PANELS

"SEC. 205. The Foundation may appoint persons other than trustees of the Foundation to committees, councils, or panels concerned with particular regions of the country or with particular aspects of the arts, or both, to advise and consult with the Foundation with respect to the duties of the Foundation and the projects and productions for which financial assistance is sought by groups and States. Such appointments shall be made without regard to the civil service laws and regulations.

"ADMINISTRATIVE POWERS AND DUTIES OF THE FOUNDATION

"SEC. 206. (a) The Foundation is authorized to—

"(1) prescribe such rules and adopt such bylaws as it deems necessary to govern the manner of its operation and its organization and personnel, and to implement any of the provisions of this title;

"(2) make expenditures, and enter into contracts or other arrangements, as may be necessary for administering the provisions of this title, without regard to the provisions of section 3709 of the Revised Statutes (4 U.S.C. 5);

"(3) acquire by loan or gift, and to hold and dispose of by sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this title;

"(4) receive and use funds or marked gifts or property donated by others, if such funds are donated without restriction other than that they be used in furtherance of one or more of the general purposes of the Foundation;

"(5) accept and utilize the services of voluntary and uncompensated personnel;

"(6) pay fees for and enter into contracts with persons for the performance of services required by the Foundation;

"(7) pay to persons rendering services to the Foundation on an uncompensated basis or on a fee or contract basis, as provided in paragraphs (5) and (6) of this subsection, travel and subsistence expenses while away from their homes or regular places of business in accordance with the Travel Expense Act of 1949, as amended, and the Standardized Government Travel Regulations; and

"(8) maintain an office in the District of Columbia.

"(b) The Foundation is authorized to procure assistance, as specified herein, from any department, agency,

and instrumentality of the executive branch of the Government, or any independent agency of the United States, with the consent of the head thereof, and each such department, agency, or instrumentality is authorized to render such assistance to the Foundation by the donation or loan of employee services and by the donation or loan of supplies, office or building space, or other property, either on a reimbursable or nonreimbursable basis, upon request made by the Director or Deputy Director of the Foundation.

"(c) The Foundation shall not itself produce or present any project or production.

"(d) Not later than ninety days after the end of each fiscal year, the Foundation shall submit to the President and the Congress an annual report summarizing the activities of the Foundation and making such recommendations as it may deem appropriate.

"STAFF OF THE FOUNDATION

"SEC. 207. The Director shall, in accordance with such policies as the Foundation shall from time to time prescribe, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this title. Such appointments shall be made and such compensation shall be fixed in accordance with the provisions of the civil service laws and regulations and the Classification Act of 1949, as amended, except that the Director may, in accordance with

such policies as the Foundation shall from time to time prescribe, employ such technical and professional personnel or personnel with experience in or relating to any of the arts, and fix their compensation without regard to such laws, as he may deem necessary for the discharge of the responsibilities of the Foundation under this title.

"COMPENSATION OF THE TRUSTEES OF THE FOUNDATION AND THE MEMBERS OF ITS COUNCILS, COMMITTEES, AND PANELS

"SEC. 208. The trustees of the Foundation, and the members of the councils, committees, and panels shall receive compensation at a rate to be fixed by the President in the case of the trustees, and by the Foundation in the case of the members, but not to exceed $75 for each day in which they are actually engaged in the business of the Foundation pursuant to authorization of the Foundation, and shall be allowed travel and subsistence expenses while away from their homes or regular places of business in accordance with the Travel Expense Act of 1949, as amended, and the Standardized Government Travel Regulations.

"APPROPRIATIONS

"SEC. 209. (a) For the purpose of making grants authorized in section 204 of this title, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1965, such sum, not exceeding $5,000,000, and for each fiscal year

thereafter such sum, not exceeding $10,000,000 annually, as the Congress may determine. The moneys appropriated to the Foundation shall remain available for expenditure for two years following the expiration of the fiscal year for which appropriated.

"(b) Moneys received by the Foundation under section 206(a) (3) and (4) of this title, shall not be covered into the Treasury as miscellaneous receipts, but shall be kept in a special account, maintained by the Treasury Department, or kept by the Foundation in commercial banking institutions, or invested in securities eligible for trust funds in the District of Columbia, and shall be available to the Foundation for the purposes of this title.

"(c) The Director shall determine any payments to be made under this title and certify to the Secretary of the Treasury the amounts thereof. Upon receipt of such certification, the Secretary of the Treasury shall, prior to audit or settlement by the General Accounting Office, pay in accordance with such certification. Sums allotted to any group or State for any fiscal year under this title and not transferred during that fiscal year shall remain available to such group or State for the same purposes for the next fiscal year in addition to the sums allotted for such next fiscal year.

"(d) There are hereby authorized to be appropriated

such sums as are necessary to administer the provisions of this title.

"DEFINITIONS

"SEC. 210. As used in this title—

"(a) The term 'the arts' means (1) the major art fields including music (instrumental and vocal), drama, dance, folk art, literature, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, motion pictures, television, and radio; and (2) the arts related to the presentation, performance, execution, and exhibition of such major art fields.

"(b) The term 'production' means plays (with or without music), ballet, dance and choral performances, concerts, recitals, operas, exhibitions, readings, motion pictures, television, and radio, and any other activities involving the execution or rendition of the arts and meeting such standards as the Foundation may establish.

"(c) The term 'project' means programs organized by groups, States, and State agencies to carry out the purposes of this title, including programs to foster American artistic creativity, to train artists, to commission works of art, and to develop and enhance knowledge and understanding of the arts.

"(d) The term 'group' includes any society, institution,

organization, association, museum, or establishments, whether or not incorporated."

RECEIVED
THE COMMISSION OF FINE ARTS
WASHINGTON, D. C.
FEB 3 1965
NOTED

89TH CONGRESS
1ST SESSION

S. 310

A BILL

To amend the National Arts and Cultural Development Act of 1964 to authorize the National Council on the Arts to accept and receive bequests, gifts, and donations for use in carrying out the purposes of such Act, and to establish the National Arts Foundation.

By Mr. JAVITS, Mr. COOPER, Mr. DOUGLAS, Mr. LONG of Missouri, Mr. METCALF, Mr. PELL, Mr. RANDOLPH, Mr. SCOTT, and Mr. YARBOROUGH

JANUARY 7, 1965
Read twice and referred to the Committee on Labor and Public Welfare

89TH CONGRESS
1ST SESSION

S. 315

IN THE SENATE OF THE UNITED STATES

JANUARY 7, 1965

Mr. PELL (for himself, Mr. BREWSTER, Mr. CLARK, Mr. COOPER, Mr. JAVITS, Mr. KENNEDY of Massachusetts, Mr. LONG of Missouri, Mr. MCCARTHY, Mr. MCGOVERN, Mr. METCALF, Mr. MONDALE, Mr. PASTORE, Mr. RANDOLPH, Mr. RIBICOFF, and Mr. YARBOROUGH) introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

A BILL

To establish a National Arts Foundation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Arts Foundation Act of 1965".

DECLARATION OF POLICY

SEC. 2. The Congress finds that a widespread and growing portion of the American public is deprived of the opportunity to view and enjoy the visual arts, such as painting and sculpture, and the performing arts, such as theatrical

EXHIBIT O

performances, musical concerts, opera, dance, ballet and choral recitals; that the increasing leisure time and life expectancy of all our people provides increased opportunity to enjoy the benefits of the arts; that the encouragement of these arts will help to satisfy the intellectual and spiritual demands of men's minds; that the Nation's general welfare will be promoted by providing recognition of the status of these arts as a cherished and valued part of the Nation's cultural resources and by encouraging such activity; and that it is desirable to establish a National Arts Foundation to provide such recognition and encouragement.

ASSURANCE AGAINST FEDERAL INTERFERENCE IN THE ARTS

SEC. 3. In the administration of this Act no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control, over the policy or program determination of any group, State, or State agency involved in the arts.

ESTABLISHMENT OF FOUNDATION

SEC. 4. There is hereby established in the executive branch of the Government an independent agency to be known as the National Arts Foundation (hereinafter referred to as the "Foundation").

NATIONAL COUNCIL ON THE ARTS

SEC. 5. For the purpose of carrying out the objectives of this Act, the National Council on the Arts (hereinafter

referred to as the "Council"), established by the National Arts and Cultural Development Act of 1964, is authorized and directed to administer the Foundation, discharge the functions and duties provided by this Act for the Foundation, and execute the programs of the Foundation. The Council shall meet not less than two times each year in its capacity of administering the Foundation. Except as otherwise provided in this Act, the provisions of the National Arts and Cultural Development Act of 1964 shall be applicable, insofar as necessary to carry out the objectives of this Act, with respect to the membership of the Council, procedural matters of the Council, the appointment and procuring of staff by the Council, and the compensation of members and staff of the Council.

GRANTS TO GROUPS AND STATES

SEC. 6. (a) (1) The Foundation is authorized to establish and conduct a program of grants-in-aid from the funds appropriated to the Foundation or otherwise obtained pursuant to section 8(a) (3) or (4) of this Act, to nonprofit professional groups (and nonprofit groups meeting professional standards or standards of authenticity) engaged in or concerned with the arts, for the purpose of enabling such groups to provide (A) productions which have substantial artistic and cultural significance, giving emphasis to American creativity, (B) productions irrespective of origin which

are of significant merit and which, without such assistance, would otherwise be unavailable to our citizens in many areas of the country, (C) projects that will encourage and assist artists who are citizens or who have evidenced their intention to become citizens of the United States, (D) projects that will encourage and develop the appreciation and enjoyment of the arts by our citizens, and (E) other relevant projects including surveys, research, and planning in the arts. No portion of any moneys granted under this subsection shall be applied to the purchase, erection, preservation, or repair of any building or buildings, or for the purchase or rental of any lands.

(2) No payment may be made to any group under this section except upon application therefor which is submitted to the Foundation in accordance with regulations prescribed by the Foundation.

(3) The amount of any grants allotted to any group pursuant to this subsection shall not exceed 50 per centum of the total cost of such project or production, except that not more than 20 per centum of the funds appropriated to the Foundation for the purposes of this section for any fiscal year may be available for allotment by the Foundation in such fiscal year without regard to such limitation in the case of any group which submits evidence to the Foundation that it has attempted unsuccessfully to secure an amount of funds

equal to the grant applied for by such group, together with a statement of the proportion which any funds it has secured represent of the funds applied for by such group.

(4) Any group shall be eligible for financial assistance pursuant to this section only if (A) no part of its net earnings inures to the benefit of any private stockholder, or stockholders, or individual or individuals, and (B) donations to such group are allowable as a charitable contribution under the standards of subsection (c) of section 170 of the Internal Revenue Code of 1954.

(5) Except as otherwise provided in the second sentence of subsection (b) (3) of this section, the total amount appropriated to the Foundation for grants-in-aid to groups for any fiscal year shall be equal to the total amounts appropriated to the Foundation for grants-in-aid to States for such fiscal year.

(b) (1) The Foundation is authorized to establish and conduct a program of grants-in-aid from the funds appropriated to the Foundation or otherwise obtained pursuant to section (8) (a) (3) or (4) of this Act, to assist the several States in supporting existing projects and productions which are making a significant public contribution in one or more of the arts, and in developing projects and productions in the arts in such a manner as will furnish adequate programs,

facilities, and services in the arts to all the people and communities in each of the several States. No portion of any moneys granted under this subsection shall be applied to the purchase, erection, preservation, or repair of any building or buildings, or for the purchase or rental of any lands.

(2) In order to receive such assistance in any fiscal year, a State shall submit an application for such grants prior to the first day of such fiscal year and accompany such application with a plan which the Foundation finds—

(A) designates a State agency (hereinafter in this Act referred to as the "State agency") as the sole agency for the administration of the State plan;

(B) provides that funds paid to the State under this Act will be expended solely on projects and productions approved by the State agency which carry out one or more of the objectives of this Act; and

(C) provides that the State agency will make such reports, in such form and containing such information, as the Foundation may from time to time require.

(3) Each State which has a plan approved by the Foundation in effect on the first day of the fiscal year beginning July 1, 1965, or any succeeding fiscal year, shall be entitled to a maximum allotment in any such fiscal year of an amount equal to half the total amount appropriated to the Foundation for the purposes of this section for such

fiscal year divided by the total number of States. In the event that any sum is remaining out of the maximum allotment available for grants to each State in any fiscal year after all allotments are made to States with approved plans in effect on the first day of such fiscal year, the Foundation, in its discretion, may grant the aggregate of such remaining sums or any portion thereof to any group eligible for financial assistance under subsection (a) of this section or State agency for projects and productions which the Foundation finds will encourage the arts in areas where such assistance will be of value. In making grants to any group pursuant to this subsection, the Foundation shall require matching funds in accordance with the provisions of subsection (a) (3) of this section.

(4) The amount of any grants allotted to any State or State agency pursuant to this subsection for any project or production shall not exceed 50 per centum of the total cost of such project or production.

(c) Whenever the Foundation, after reasonable notice and opportunity for hearing to any group or State agency, finds that—

(1) any such group is not complying substantially with the provisions of this Act;

(2) any such agency is not complying substantially

with the terms and conditions of its State plan approved under this Act; or

(3) any funds granted to such group or agency under this Act have been diverted from the purposes for which they were allotted or paid

the Foundation shall immediately notify the Secretary of the Treasury and the group or State agency concerned that no further grants will be made under this Act with respect to such group or State agency until there is no longer any default or failure to comply or the diversion has been corrected, or, if compliance or correction is impossible, until the group or State repays or arranges the repayment of the Federal funds which have been improperly diverted or expended.

ADVISORY COMMITTEES OR PANELS

SEC. 7. The Foundation may appoint persons other than members of the Council to committees or panels concerned with particular regions of the country or with particular aspects of the arts, or both, to advise and consult with the Foundation with respect to the duties of the Foundation and the projects and productions for which financial assistance is sought by groups and States. Such appointments shall be made without regard to the civil service laws and regulations. The members of the committees and panels, while engaged in the business of the Foundation pursuant to

authorization of the Foundation, shall receive compensation at a rate to be fixed by the Foundation, but not exceeding $75 per diem and shall be paid travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

ADMINISTRATIVE POWERS AND DUTIES OF THE FOUNDATION

SEC. 8. (a) The Foundation is authorized to—

(1) prescribe such rules and adopt such bylaws as it deems necessary to govern the manner of its operation and its organization and personnel, and to implement any of the provisions of the Act;

(2) make expenditures, and enter into contracts or other arrangements, as may be necessary for administering the provisions of this Act, without regard to the provisions of section 3709 of the Revised Statutes (4 U.S.C. 5);

(3) acquire by loan or gift, and to hold and dispose of by sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this Act;

(4) receive and use funds or marked gifts or property donated, devised, or bequeathed by others, if such funds are donated, devised, or bequeathed without re-

striction other than that they be used in furtherance of one or more of the general purposes of the Foundation;

(5) accept and utilize the services of voluntary and uncompensated personnel;

(6) pay fees for and enter into contracts with persons for the performance of services required by the Foundation;

(7) pay to persons rendering services to the Foundation on an uncompensated basis or on a fee or contract basis, as provided in paragraphs (5) and (6) of this subsection, travel and subsistence expenses while away from their homes or regular places of business in accordance with the Travel Expense Act of 1949, as amended, and the Standardized Government Travel Regulations; and

(8) maintain an office in the District of Columbia.

(b) The Foundation shall not itself produce or present any project or production.

(c) Not later than ninety days after the end of each fiscal year, the Foundation shall submit to the President and the Congress an annual report summarizing the activities of the Foundation and making such recommendations as it may deem appropriate.

APPROPRIATIONS

SEC. 9. (a) For the purpose of making grants author-

ized in section 6 of this Act, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1965, such sum, not exceeding $5,000,000, and for each fiscal year thereafter such sum, not exceeding $10,000,000 annually, as the Congress may determine. The moneys appropriated to the Foundation shall remain available for expenditure for two years following the expiration of the fiscal year for which appropriated.

(b) Moneys received by the Foundation under sections 8(a) (3) and (4) of this Act, shall not be covered into the Treasury as miscellaneous receipts, but shall be kept in a special account, maintained by the Treasury Department, or kept by the Foundation in commercial banking institutions, or invested in securities eligible for trust funds in the District of Columbia, and shall be available to the Foundation for the purposes of this Act.

(c) The Chairman of the Council shall determine any payments to be made under this Act and certify to the Secretary of the Treasury the amounts thereof. Upon receipt of such certification, the Secretary of the Treasury shall, prior to audit or settlement by the General Accounting Office, pay in accordance with such certification. Sums allotted to any group or State for any fiscal year under this Act and not transferred during that fiscal year shall remain available to such group or State for the same purposes for

the next fiscal year in addition to the sums allotted for such next fiscal year.

(d) There are hereby authorized to be appropriated such sums as are necessary to administer the provisions of this Act, but in no event shall the amount appropriated in any fiscal year exceed a total of $75,000.

DEFINITIONS

SEC. 10. As used in this Act—

(a) The term "the arts" means (1) the major art fields including music (instrumental and vocal), drama, dance, folk art, literature, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, motion pictures, television, radio, and tape and sound recording; and (2) the arts related to the presentation, performance, execution, and exhibition of such major art fields.

(b) The term "production" means plays (with or without music), ballet, dance and choral performances, concerts, recitals, operas, exhibitions, readings, motion pictures, radio, television, and tape and sound recording, and any other activities involving the execution or rendition of the arts and meeting such standards as the Foundation may establish.

(c) The term "project" means programs organized by groups, States, and State agencies to carry out the purposes of this Act, including programs to foster American

artistic creativity, to train artists, to commission works of art, and to develop and enhance knowledge and understanding of the arts.

(d) The term "group" includes any society, institution, organization, association, museum, or establishments, whether or not incorporated.

89TH CONGRESS
1ST SESSION

S. 315

A BILL

To establish a National Arts Foundation.

By Mr. PELL, Mr. BREWSTER, Mr. CLARK, Mr. COOPER, Mr. JAVITS, Mr. KENNEDY of Massachusetts, Mr. LONG of Missouri, Mr. MCCARTHY, Mr. MCGOVERN, Mr. METCALF, Mr. MONDALE, Mr. PASTORE, Mr. RANDOLPH, Mr. RIBICOFF, and Mr. YARBOROUGH

JANUARY 7, 1965
Read twice and referred to the Committee on Labor and Public Welfare

12 March 1965

Dear Mr. Chairman:

I am writing in reply to your request for the views of the Commission of Fine Arts on S. 315, 89th Congress, a bill "To establish a National Arts Foundation."

The Commission of Fine Arts believes that a National Arts Foundation as proposed in S. 315 is basically a sound concept and is in favor of the establishment of such a foundation. However, we feel that the objectives of the National Arts Foundation proposed in S. 315 would be better served by the methods of implementation outlined in S. 1483, a similar bill, which would place the closely related fields of the arts and the humanities under a single foundation, with a separate funds program, chairman and council for each.

Therefore, the Commission does not recommend passage of S. 315.

The Bureau of the Budget has adised that it has no objection to the submission of this report from the standpoint of the Administration's program.

For the Commission of Fine Arts:

Sincerely yours,

William Walton
Chairman

Honorable Lister Hill
Chairman
Committee on Labor and Public Welfare
United States Senate
Washington, D. C.

EXHIBIT O

JOINT RESOLUTION

Providing for the establishment of the National Capital Parks Memorial Board.

Whereas the memorializing of persons and events without criteria, policy and a general plan therefor impedes sound planning for and use of National Capital Park land; and

Whereas it is in the public interest that criteria and an orderly plan be developed under which only those persons and events of outstanding national or international importance may be memorialized on land which comprises the National Capital Parks System: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created a National Capital Parks Memorial Board. The Board shall prepare and recommend to the Secretary of the Interior broad criteria, guidelines, and policies for memorializing persons and events on Federal land of the National Capital Parks System through the media of monuments, memorials, and statues. The Board shall examine each proposal for the use of said park land for memorialization purposes, including the importance of the person or event concerned, and shall make recommendations to the Secretary of the Interior with respect to the proposal.

SEC. 2. The National Capital Parks Memorial Board shall be composed of:

(1) Five members to be appointed by the President of the United States;

(2) The Chairman of the Fine Arts Commission;

(3) The Chairman of the National Capital Planning Commission;

BUREAU OF THE BUDGET
LEGISLATIVE RECORDS

EXHIBIT 9

(4) The President of the Board of Commissioners of the District of Columbia

(5) The Director of the National Park Service.

The memberships filled by the President shall be as follows: one for a term of one year; two for a term of two years; and two for a term of three years. The President shall appoint successor members to hold office for three years, and shall designate a member of the Board to serve as its Chairman. The members of the Board shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as such members.

19 February 1965

Dear Mr. Gordon:

I am writing in reply to your request for the views of the Commission of Fine Arts on Draft Legislation, 89th Congress, "providing for the establishment of the National Capital Parks Memorial Board."

The Commission believes that legislation to prevent the indiscriminate memorializing of persons and events on Federal land of the National Capital Parks System is necessary to the preservation of the Parks System. We are particularly concerned that each proposal for the use of valuable park land for memorialization purposes should be carefully reviewed with regard to the national significance of the person or event to be memorialized, and t to the appropriateness of the site.

Therefore, the Commission of Fine Arts endorses the purposes of the proposed legislation and believes that the functions and responsibilities of the proposed Board will protect the National Capital Parks System from a proliferation of memorials which are not truly national in significance.

The Commission of Fine Arts has no suggestions for changes in the text of the proposed legislation.

For the Commission of Fine Arts:

Sincerely yours,

WTL 2/19/65

William Walton
Chairman

Honorable Kermit Gordon
Director
Bureau of the Budget
Washington, D. C.

EXHIBIT R

89TH CONGRESS
1ST SESSION

S. 111

same as S. 316

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 1965

Mr. GRUENING (for himself, Mr. ANDERSON, Mr. BASS, Mr. BAYH, Mr. BREWSTER, Mr. BURDICK, Mr. CASE, Mr. CLARK, Mr. DODD, Mr. DOUGLAS, Mr. FONG, Mr. GORE, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. INOUYE, Mr. KUCHEL, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. MILLER, Mr. MONTOYA, Mr. MORSE, Mr. MOSS, Mr. MUNDT, Mr. MUSKIE, Mr. NELSON, Mrs. NEUBERGER, Mr. PASTORE, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio) introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

A BILL

To provide for the establishment of the National Humanities Foundation to promote progress, research, and scholarship in the humanities and the arts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Humanities Foundation Act of 1965".

SEC. 2. The Congress hereby finds and declares—

(1) that the encouragement and support of the humanities and the arts, while primarily a matter for

EXHIBIT S

private and local initiative, is also an appropriate matter of concern to the Federal Government;

(2) that a high civilization must not limit its efforts to science and technology alone but must give full value and support to the other great branches of man's scholarly, literary, and artistic activity;

(3) that democracy demands wisdom and vision in its citizens and that it must therefore foster and support a form of education designed to make men masters of their technology and not its unthinking servants;

(4) that, during our early history, the Nation was largely engaged in mastering its physical environment while, more recently, advancing technology, defense, and space needs have put a claim on energies that might have gone into humane and artistic endeavors, with the result that our social, moral, and esthetic development has lagged behind our material advance;

(5) that it is in the national interest that the resulting social, cultural, and educational imbalance be redressed;

(6) that the world leadership which has come to the United States cannot rest solely upon superior power, wealth, and technology, but must be solidly founded upon worldwide respect and admiration for the Nation's high

qualities as a leader in the realm of ideas and of the spirit;

(7) that, in order to implement these findings, it is desirable to establish a National Humanities Foundation.

ESTABLISHMENT OF A NATIONAL HUMANITIES FOUNDATION

SEC. 3. There is hereby established in the executive branch of the Government an independent agency to be known as the National Humanities Foundation (hereinafter in this Act referred to as the "Foundation"). The Foundation shall consist of a National Humanities Board (hereinafter referred to as the "Board") and a Director.

PURPOSE OF THE FOUNDATION

SEC. 4. The purpose of the Foundation shall be to develop and promote a broadly conceived policy of support for the humanities and the arts, but it shall not attempt, directly or indirectly, to direct, control, or otherwise influence the scholarship, teaching, research, or artistic endeavors which it supports.

DEFINITION

SEC. 5. The term "humanities and the arts", as used in this Act, includes, but is not limited to, the study of languages, linguistics, literature, history, philosophy and political theory; the history, criticism, and theory of art and

music; the history of politics, religion, science, and law; the creative and performing arts, including theater and dance; and those aspects of the social sciences that have humanistic content and employ humanistic methods.

NATIONAL HUMANITIES BOARD

SEC. 6. (a) The Board shall consist of twenty-four members to be appointed by the President, by and with the advice and consent of the Senate, and of the Director ex officio, and shall, except as otherwise provided in this Act, exercise the authority granted to the Foundation by this Act. The persons nominated for appointment as members (1) shall be eminent in the fields of the humanities or the arts; (2) shall be selected solely on the basis of established records of distinguished service and scholarship or creativity; and (3) shall be so selected as to provide comprehensive representation of the views of scholars and teachers in the humanities and the arts in all areas of the United States. The President is requested, in the making of nominations of persons for appointment as members of the Board, to give due consideration to any recommendations for nomination which may be submitted to him by the American Association of Land Grant Colleges and Universities, the Association of American Colleges, the Association of American Universities, the Association of Graduate Schools in Association of American Universities, the American Council of Learned

Societies, the United Chapters of Phi Beta Kappa, or by any other national organization on the humanities and the arts.

(b) The term of office of each member of the Board shall be six years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (2) the terms of office of the members first taking office after the enactment of this Act shall expire, as designated by the President at the time of appointment, eight at the end of two years, eight at the end of four years, and eight at the end of six years, after the enactment of this Act. Any member of the Board who has been a member of the Board for twelve consecutive years shall thereafter be ineligible for appointment during the two-year period following the expiration of the twelfth year.

(c) The President shall call the first meeting of the Board, at which the first order of business shall be the election of a Chairman and a Vice Chairman.

(d) The Board shall meet annually on the first Monday in May unless, prior to April 15 in any year, the Chairman has set the annual meeting for a day in May, other than the first Monday, and at such other times as the Chairman may determine, but he shall also call a meeting whenever

one-third of the members of the Board so request in writing. A majority of the members of the Board shall constitute a quorum. Each member shall be given written notice, mailed to his last known address of record not less than fifteen days prior to any meeting, of the call of such meeting.

(e) An election of the Chairman and Vice Chairman of the Board shall take place at the first meeting of the Board following the enactment of this Act. Thereafter such elections shall take place at the second annual meeting occurring after each such election. The Vice Chairman shall perform the duties of the Chairman in his absence. In case a vacancy occurs in the chairmanship or vice chairmanship, the Board shall elect a member to fill such vacancy.

DIRECTOR OF THE FOUNDATION

SEC. 7. (a) There shall be a Director of the Foundation who shall be appointed by the President, by and with the advice and consent of the Senate. The Board may make recommendations to the President with respect to the appointment of the Director, and the Director shall not be appointed until the Board has had an opportunity to make such recommendations. The Director shall serve as an ex officio member of the Board. In addition, he shall be the chief executive officer of the Foundation. The Director shall receive compensation at the same rate as provided for the

Librarian of Congress and shall serve for a term of six years unless sooner removed by the President.

(b) In addition to the powers and duties specifically vested in him by this Act, the Director shall, in accordance with the policies established by the Board, exercise the powers granted by sections 11 and 12 of this Act, together with such powers and duties as may be delegated to him by the Board; but no final action shall be taken by the Director in the exercise of any power granted by section 10 (a) (5) or 12 (a) of the Act unless in each instance the Board has reviewed and approved the action proposed to be taken, or such action is taken pursuant to the terms of a delegation of authority from the Board or the Executive Committee to the Director.

EXECUTIVE COMMITTEE

SEC. 8. (a) The Board is authorized to appoint from among its members an executive committee and to assign to the Executive Committee such of the powers and functions granted to the Board by this Act as it deems appropriate; except that the Board may not assign to the Executive Committee the function of establishing policies.

(b) If an executive committee is established by the Board—

(1) Such Committee shall consist of the Director,

as an ex officio member, and not less than five or more than nine other members elected by the Board from among their number.

(2) The term of office of each member of such Committee shall be two years, except that (A) any member elected to fill a vacancy occurring prior to the expiration of the term for which his predecessor was elected shall be elected for the remainder of such term; and (B) the term of office of four of the members first elected after the date of enactment of this Act shall be one year.

(3) Any person who has been a member of such Committee for six consecutive years shall thereafter be ineligible for election during the two-year period following the expiration of such sixth year.

(4) The membership of such Committee shall, so far as practicable, be representative of diverse interests and shall be so chosen as to provide representation, as far as practicable, for all areas of the Nation.

(5) Such Committee shall render an annual report to the Board, and such other reports as it may deem necessary, summarizing its activities and making such recommendations as it may deem appropriate. Minority views and recommendations, if any, of members of the Executive Committee shall be included in such reports.

(c) The Board is authorized to appoint from among its members or otherwise such committees as it deems appropriate, and to assign to committees so appointed such survey and advisory functions as the Board deems appropriate for the purposes of this Act.

DIVISIONS WITHIN THE FOUNDATION

SEC. 9. The Board may establish within the Foundation such divisions and divisioned advisory committees as it may, from time to time, deem necessary in order to carry out the powers and duties of the Foundation as set forth in this Act.

FUNCTIONS OF THE FOUNDATION

SEC. 10. (a) The Foundation is authorized and directed—

(1) to develop and encourage the pursuit of a national policy for the promotion of scholarship, education, research, and creative work and performance in the humanities and the arts;

(2) to provide suitable means (including grants, loans, and other forms of assistance) for educating and developing, at any stage of their growth, artists and scholars and teachers in the humanities and the arts;

(3) to assist (by grants, loans, and other forms of assistance) public and other nonprofit organizations, as defined in section 501 (c) of the Internal Revenue Code,

engaged in encouraging and developing artists and scholars and teachers in the humanities and the arts;

(4) to initiate and promote by contracts or other arrangements, including grants, loans, and other forms of assistance, programs for the improvement of teaching and research in the humanities and the arts;

(5) to award, as provided in section 12 of this Act, scholarships and graduate fellowships, including post-doctoral fellowships, and grants for research and for creative work and performance in the humanities and the arts;

(6) to foster the interchange of scholarly information in the humanities and the arts among scholars, teachers, and students in the United States and foreign countries; and

(7) to encourage and assist the improvement of library and museum resources and services for research and for teaching at all levels in the humanities and the arts.

(b) In exercising the authority and discharging the functions referred to in subsection (a) of this section, it shall be one of the objectives of the Foundation to strengthen education and research in the humanities and the arts throughout the United States and its possessions, and to avoid undue concentration of such education and research.

REPORTS

SEC. 11. The Foundation shall render an annual report to the President for submission on or before the 15th day of January of each year to the Congress, summarizing the activities of the Foundation and making such recommendations as it may deem appropriate. Such report shall include minority views and recommendations, if any, of members of the Board.

SCHOLARSHIPS AND FELLOWSHIPS

SEC. 12. (a) The Foundation is authorized to award, within the limits of funds made available specifically for such purpose pursuant to section 15 or of funds donated or transferred to the Foundation pursuant to sections 13 and 14. scholarships and graduate fellowships, including postdoctoral fellowships, for study or research in the humanities and the arts at public or nonprofit American or nonprofit foreign institutions of higher education, selected by the recipient of such aid, for stated periods of time. Persons shall be selected for such scholarships and fellowships from among citizens of the United States, and such selections shall be made solely on the basis of ability; but in any case in which two or more applicants for scholarships or fellowships, as the case may be, are deemed by the Foundation to be possessed of substantially equal ability, and there are not sufficient scholarships or fellowships, as the case may be, available to grant one to

each of such applicants, the available scholarship or scholarships or fellowship or fellowships shall be awarded to the applicant in such manner as will tend to result in the wide distribution of scholarships and fellowships among the States, possessions of the United States, and the District of Columbia. Nothing contained in the Act shall prohibit the Foundation from refusing or revoking a scholarship or fellowship award, in whole or in part, in the case of any applicant or recipient, if the Board is of the opinion that such award is not in the best interests of the United States.

(b) The amount of the stipend and dependency allowance for scholarships and fellowships awarded under section 11 (a) of this Act shall be determined by the Board and shall be reviewed and, if necessary, adjusted annually on the basis of stipends for comparable awards and allowances granted by other agencies of the Federal Government.

GENERAL AUTHORITY OF THE FOUNDATION

SEC. 13. The Foundation shall have the authority, within the limits of available appropriations or donated funds, to do all things necessary to carry out the provisions of this Act, including, but without being limited thereto, the authority—

(a) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel;

(b) to make such expenditures as may be necessary for administering the provisions of this Act;

(c) to enter into contracts or other arrangements or modifications thereof with accredited public or other nonprofit institutions of higher education for the establishment and conduct of summer or academic-year institutes, or both, for the training of teachers and scholars of the humanities and the arts;

(d) to support improved teaching at all levels of education by encouraging experiments in presentation and organization, including disciplinary and interdisciplinary studies and the development of new curricular materials;

(e) to make, advance, progress, and other payments which relate to the establishment and conduct of such institutes and such experiments without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529) ;

(f) to acquire by purchase, lease, loan, gift, or condemnation, and to hold and dispose of by grant, sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this Act;

(g) to receive and use funds donated by others, if such funds are donated without restriction other than

that they be used in furtherance of one or more of the general purposes of the Foundation;

(h) to publish or arrange for the publication of scholarly information in the humanities and arts without regard to the provisions of section 11 of the Act of March 1, 1919 (40 Stat. 1270; 44 U.S.C. 111);

(i) to accept and utilize the services of voluntary and uncompensated personnel and to provide transportation and subsistence as authorized by section 5 of the Act of August 2, 1946 (5 U.S.C. 73b–2), for persons serving without compensation; and

(j) to prescribe, with the approval of the Comptroller General of the United States, the extent to which vouchers for funds expended under contracts for institutes in the humanities and the arts, as provided in subsection (c) of this section, shall be subject to itemization or substantiation prior to payment, without regard to the limitation of other laws relating to the expenditure of public funds and accounting therefor.

MISCELLANEOUS PROVISIONS

SEC. 14. (a) The Director shall, in accordance with such policies as the Board shall from time to time prescribe, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act. Such appointments shall be made and such compensation shall be

fixed in accordance with the provisions of the civil service laws and regulations and the Classification Act of 1949; except that the Director may, in accordance with such policies as the Board shall from time to time prescribe, employ such technical and professional personnel and fix their compensation, without regard to such laws, as he may deem necessary for the discharge of the responsibilities of the Foundation under this Act. The Deputy Director hereinafter provided for, and the members of any divisional committees, shall be appointed without regard to the civil service laws or regulations. Neither the Director nor the Deputy Director shall engage in any other business, vocation, or employment than that of serving as such Director or Deputy Director, as the case may be; nor shall the Director or Deputy Director, except with the approval of the Board hold any office in, or act in any capacity for, any organization, agency, or institution with which the Foundation makes any contract or other arrangement under this Act.

(b) The Director may appoint, with the approval of the Board, a Deputy Director who shall perform such functions as the Director, with the approval of the Board, may prescribe and shall be the Acting Director during the absence or disability of the Director or in the event of a vacancy in the Office of the Director.

(c) The members of the Board and the members of

the divisional committees shall receive compensation at the rate of $75 for each day engaged in the business of the Foundation and shall be allowed travel expenses as authorized by section 5 of the Act of August 2, 1946 (5 U.S.C. 73b–2).

(d) Persons holding other offices in the executive branch of the Federal Government may serve as members of divisional committees, but they shall not receive remuneration for their services as such members during any period for which they receive compensation for their services in such other offices.

(e) Funds available to any department or agency of the Federal Government for the development of the humanities or the arts, or the provisions of facilities therefor, shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Foundation for such use as is consistent with the purposes for which such funds were provided, and funds so transferred shall be expendable by the Foundation for the purposes for which the transfer was made, and, until such time as an appropriation is made available directly to the Foundation, for general administrative expenses of the Foundation without regard to limitations otherwise applicable to such funds.

UTILIZATION OF FOREIGN CURRENCIES

SEC. 15. Section 104 of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), is amended by inserting immediately after paragraph (s) the following new paragraph:

"(t) for financing under the direction of the National Humanities Foundation, in such amounts as may be specified from time to time in appropriation Acts, programs outside the United States designed to foster the interchange of information in the humanities and the arts between the United States and other countries, including but not limited to the financing of archeological expeditions through grants, loans, or other forms of assistance;".

ASSURANCE AGAINST FEDERAL INTERFERENCE

SEC. 16. In the administration of this Act, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the policy determination, personnel, curriculum, or the administration or operation of any school or other non-Federal agency, institution, organization, or association.

AUTHORIZATION OF APPROPRIATIONS

SEC. 17. To enable the Foundation to carry out its powers and duties, there is hereby authorized to be appro-

priated to the Foundation such sums as the Congress may determine.

A BILL

To provide for the establishment of the National Humanities Foundation to promote progress, research, and scholarship in the humanities and the arts, and for other purposes.

By Mr. GRUENING, Mr. ANDERSON, Mr. BASS, Mr. BAYH, Mr. BREWSTER, Mr. BURDICK, Mr. CASE, Mr. CLARK, Mr. DODD, Mr. DOUGLAS, Mr. FONG, Mr. GORE, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. INOUYE, Mr. KUCHEL, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. MILLER, Mr. MONTOYA, Mr. MORSE, Mr. MOSS, Mr. MUNDT, Mr. MUSKIE, Mr. NELSON, Mrs. NEUBERGER, Mr. PASTORE, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio

JANUARY 6, 1965

Read twice and referred to the Committee on Labor and Public Welfare

89TH CONGRESS
1ST SESSION

S. 111

Same as S. 316

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 1965

Mr. GRUENING (for himself, Mr. ANDERSON, Mr. BASS, Mr. BAYH, Mr. BREWSTER, Mr. BURDICK, Mr. CASE, Mr. CLARK, Mr. DODD, Mr. DOUGLAS, Mr. FONG, Mr. GORE, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. INOUYE, Mr. KUCHEL, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. MILLER, Mr. MONTOYA, Mr. MORSE, Mr. MOSS, Mr. MUNDT, Mr. MUSKIE, Mr. NELSON, Mrs. NEUBERGER, Mr. PASTORE, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio) introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

A BILL

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Humanities Foundation Act of 1965".

SEC. 2. The Congress hereby finds and declares—

(1) that the encouragement and support of the humanities and the arts, while primarily a matter for

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private and local initiative, is also an appropriate matter of concern to the Federal Government;

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(5) that it is in the national interest that the resulting social, cultural, and educational imbalance be redressed;

(6) that the world leadership which has come to the United States cannot rest solely upon superior power, wealth, and technology, but must be solidly founded upon worldwide respect and admiration for the Nation's high

qualities as a leader in the realm of ideas and of the spirit;

(7) that, in order to implement these findings, it is desirable to establish a National Humanities Foundation.

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SEC. 3. There is hereby established in the executive branch of the Government an independent agency to be known as the National Humanities Foundation (hereinafter in this Act referred to as the "Foundation"). The Foundation shall consist of a National Humanities Board (hereinafter referred to as the "Board") and a Director.

PURPOSE OF THE FOUNDATION

SEC. 4. The purpose of the Foundation shall be to develop and promote a broadly conceived policy of support for the humanities and the arts, but it shall not attempt, directly or indirectly, to direct, control, or otherwise influence the scholarship, teaching, research, or artistic endeavors which it supports.

DEFINITION

SEC. 5. The term "humanities and the arts", as used in this Act, includes, but is not limited to, the study of languages, linguistics, literature, history, philosophy and political theory; the history, criticism, and theory of art and

music; the history of politics, religion, science, and law; the creative and performing arts, including theater and dance; and those aspects of the social sciences that have humanistic content and employ humanistic methods.

NATIONAL HUMANITIES BOARD

SEC. 6. (a) The Board shall consist of twenty-four members to be appointed by the President, by and with the advice and consent of the Senate, and of the Director ex officio, and shall, except as otherwise provided in this Act, exercise the authority granted to the Foundation by this Act. The persons nominated for appointment as members (1) shall be eminent in the fields of the humanities or the arts; (2) shall be selected solely on the basis of established records of distinguished service and scholarship or creativity; and (3) shall be so selected as to provide comprehensive representation of the views of scholars and teachers in the humanities and the arts in all areas of the United States. The President is requested, in the making of nominations of persons for appointment as members of the Board, to give due consideration to any recommendations for nomination which may be submitted to him by the American Association of Land Grant Colleges and Universities, the Association of American Colleges, the Association of American Universities, the Association of Graduate Schools in Association of American Universities, the American Council of Learned

Societies, the United Chapters of Phi Beta Kappa, or by any other national organization on the humanities and the arts.

(b) The term of office of each member of the Board shall be six years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (2) the terms of office of the members first taking office after the enactment of this Act shall expire, as designated by the President at the time of appointment, eight at the end of two years, eight at the end of four years, and eight at the end of six years, after the enactment of this Act. Any member of the Board who has been a member of the Board for twelve consecutive years shall thereafter be ineligible for appointment during the two-year period following the expiration of the twelfth year.

(c) The President shall call the first meeting of the Board, at which the first order of business shall be the election of a Chairman and a Vice Chairman.

(d) The Board shall meet annually on the first Monday in May unless, prior to April 15 in any year, the Chairman has set the annual meeting for a day in May, other than the first Monday, and at such other times as the Chairman may determine, but he shall also call a meeting whenever

one-third of the members of the Board so request in writing. A majority of the members of the Board shall constitute a quorum. Each member shall be given written notice, mailed to his last known address of record not less than fifteen days prior to any meeting, of the call of such meeting.

(e) An election of the Chairman and Vice Chairman of the Board shall take place at the first meeting of the Board following the enactment of this Act. Thereafter such elections shall take place at the second annual meeting occurring after each such election. The Vice Chairman shall perform the duties of the Chairman in his absence. In case a vacancy occurs in the chairmanship or vice chairmanship, the Board shall elect a member to fill such vacancy.

DIRECTOR OF THE FOUNDATION

SEC. 7. (a) There shall be a Director of the Foundation who shall be appointed by the President, by and with the advice and consent of the Senate. The Board may make recommendations to the President with respect to the appointment of the Director, and the Director shall not be appointed until the Board has had an opportunity to make such recommendations. The Director shall serve as an ex officio member of the Board. In addition, he shall be the chief executive officer of the Foundation. The Director shall receive compensation at the same rate as provided for the

Librarian of Congress and shall serve for a term of six years unless sooner removed by the President.

(b) In addition to the powers and duties specifically vested in him by this Act, the Director shall, in accordance with the policies established by the Board, exercise the powers granted by sections 11 and 12 of this Act, together with such powers and duties as may be delegated to him by the Board; but no final action shall be taken by the Director in the exercise of any power granted by section 10 (a) (5) or 12 (a) of the Act unless in each instance the Board has reviewed and approved the action proposed to be taken, or such action is taken pursuant to the terms of a delegation of authority from the Board or the Executive Committee to the Director.

EXECUTIVE COMMITTEE

SEC. 8. (a) The Board is authorized to appoint from among its members an executive committee and to assign to the Executive Committee such of the powers and functions granted to the Board by this Act as it deems appropriate; except that the Board may not assign to the Executive Committee the function of establishing policies.

(b) If an executive committee is established by the Board—

(1) Such Committee shall consist of the Director,

as an ex officio member, and not less than five or more than nine other members elected by the Board from among their number.

(2) The term of office of each member of such Committee shall be two years, except that (A) any member elected to fill a vacancy occurring prior to the expiration of the term for which his predecessor was elected shall be elected for the remainder of such term; and (B) the term of office of four of the members first elected after the date of enactment of this Act shall be one year.

(3) Any person who has been a member of such Committee for six consecutive years shall thereafter be ineligible for election during the two-year period following the expiration of such sixth year.

(4) The membership of such Committee shall, so far as practicable, be representative of diverse interests and shall be so chosen as to provide representation, as far as practicable, for all areas of the Nation.

(5) Such Committee shall render an annual report to the Board, and such other reports as it may deem necessary, summarizing its activities and making such recommendations as it may deem appropriate. Minority views and recommendations, if any, of members of the Executive Committee shall be included in such reports.

(c) The Board is authorized to appoint from among its members or otherwise such committees as it deems appropriate, and to assign to committees so appointed such survey and advisory functions as the Board deems appropriate for the purposes of this Act.

DIVISIONS WITHIN THE FOUNDATION

SEC. 9. The Board may establish within the Foundation such divisions and divisioned advisory committees as it may, from time to time, deem necessary in order to carry out the powers and duties of the Foundation as set forth in this Act.

FUNCTIONS OF THE FOUNDATION

SEC. 10. (a) The Foundation is authorized and directed—

(1) to develop and encourage the pursuit of a national policy for the promotion of scholarship, education, research, and creative work and performance in the humanities and the arts;

(2) to provide suitable means (including grants, loans, and other forms of assistance) for educating and developing, at any stage of their growth, artists and scholars and teachers in the humanities and the arts:

(3) to assist (by grants, loans, and other forms of assistance) public and other nonprofit organizations, as defined in section 501 (c) of the Internal Revenue Code,

engaged in encouraging and developing artists and scholars and teachers in the humanities and the arts;

(4) to initiate and promote by contracts or other arrangements, including grants, loans, and other forms of assistance, programs for the improvement of teaching and research in the humanities and the arts;

(5) to award, as provided in section 12 of this Act, scholarships and graduate fellowships, including post-doctoral fellowships, and grants for research and for creative work and performance in the humanities and the arts;

(6) to foster the interchange of scholarly information in the humanities and the arts among scholars, teachers, and students in the United States and foreign countries; and

(7) to encourage and assist the improvement of library and museum resources and services for research and for teaching at all levels in the humanities and the arts.

(b) In exercising the authority and discharging the functions referred to in subsection (a) of this section, it shall be one of the objectives of the Foundation to strengthen education and research in the humanities and the arts throughout the United States and its possessions, and to avoid undue concentration of such education and research.

REPORTS

SEC. 11. The Foundation shall render an annual report to the President for submission on or before the 15th day of January of each year to the Congress, summarizing the activities of the Foundation and making such recommendations as it may deem appropriate. Such report shall include minority views and recommendations, if any, of members of the Board.

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SEC. 12. (a) The Foundation is authorized to award, within the limits of funds made available specifically for such purpose pursuant to section 15 or of funds donated or transferred to the Foundation pursuant to sections 13 and 14. scholarships and graduate fellowships, including postdoctoral fellowships, for study or research in the humanities and the arts at public or nonprofit American or nonprofit foreign institutions of higher education, selected by the recipient of such aid, for stated periods of time. Persons shall be selected for such scholarships and fellowships from among citizens of the United States, and such selections shall be made solely on the basis of ability; but in any case in which two or more applicants for scholarships or fellowships, as the case may be, are deemed by the Foundation to be possessed of substantially equal ability, and there are not sufficient scholarships or fellowships, as the case may be, available to grant one to

each of such applicants, the available scholarship or scholarships or fellowship or fellowships shall be awarded to the applicant in such manner as will tend to result in the wide distribution of scholarships and fellowships among the States, possessions of the United States, and the District of Columbia. Nothing contained in the Act shall prohibit the Foundation from refusing or revoking a scholarship or fellowship award, in whole or in part, in the case of any applicant or recipient, if the Board is of the opinion that such award is not in the best interests of the United States.

(b) The amount of the stipend and dependency allowance for scholarships and fellowships awarded under section 11 (a) of this Act shall be determined by the Board and shall be reviewed and, if necessary, adjusted annually on the basis of stipends for comparable awards and allowances granted by other agencies of the Federal Government.

GENERAL AUTHORITY OF THE FOUNDATION

SEC. 13. The Foundation shall have the authority, within the limits of available appropriations or donated funds, to do all things necessary to carry out the provisions of this Act, including, but without being limited thereto, the authority—

(a) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel;

(b) to make such expenditures as may be necessary for administering the provisions of this Act;

(c) to enter into contracts or other arrangements or modifications thereof with accredited public or other nonprofit institutions of higher education for the establishment and conduct of summer or academic-year institutes, or both, for the training of teachers and scholars of the humanities and the arts;

(d) to support improved teaching at all levels of education by encouraging experiments in presentation and organization, including disciplinary and interdisciplinary studies and the development of new curricular materials;

(e) to make, advance, progress, and other payments which relate to the establishment and conduct of such institutes and such experiments without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529) ;

(f) to acquire by purchase, lease, loan, gift, or condemnation, and to hold and dispose of by grant, sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this Act;

(g) to receive and use funds donated by others, if such funds are donated without restriction other than

that they be used in furtherance of one or more of the general purposes of the Foundation;

(h) to publish or arrange for the publication of scholarly information in the humanities and arts without regard to the provisions of section 11 of the Act of March 1, 1919 (40 Stat. 1270; 44 U.S.C. 111);

(i) to accept and utilize the services of voluntary and uncompensated personnel and to provide transportation and subsistence as authorized by section 5 of the Act of August 2, 1946 (5 U.S.C. 73b–2), for persons serving without compensation; and

(j) to prescribe, with the approval of the Comptroller General of the United States, the extent to which vouchers for funds expended under contracts for institutes in the humanities and the arts, as provided in subsection (c) of this section, shall be subject to itemization or substantiation prior to payment, without regard to the limitation of other laws relating to the expenditure of public funds and accounting therefor.

MISCELLANEOUS PROVISIONS

SEC. 14. (a) The Director shall, in accordance with such policies as the Board shall from time to time prescribe, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act. Such appointments shall be made and such compensation shall be

fixed in accordance with the provisions of the civil service laws and regulations and the Classification Act of 1949; except that the Director may, in accordance with such policies as the Board shall from time to time prescribe, employ such technical and professional personnel and fix their compensation, without regard to such laws, as he may deem necessary for the discharge of the responsibilities of the Foundation under this Act. The Deputy Director hereinafter provided for, and the members of any divisional committees, shall be appointed without regard to the civil service laws or regulations. Neither the Director nor the Deputy Director shall engage in any other business, vocation, or employment than that of serving as such Director or Deputy Director, as the case may be; nor shall the Director or Deputy Director, except with the approval of the Board hold any office in, or act in any capacity for, any organization, agency, or institution with which the Foundation makes any contract or other arrangement under this Act.

(b) The Director may appoint, with the approval of the Board, a Deputy Director who shall perform such functions as the Director, with the approval of the Board, may prescribe and shall be the Acting Director during the absence or disability of the Director or in the event of a vacancy in the Office of the Director.

(c) The members of the Board and the members of

the divisional committees shall receive compensation at the rate of $75 for each day engaged in the business of the Foundation and shall be allowed travel expenses as authorized by section 5 of the Act of August 2, 1946 (5 U.S.C. 73b–2).

(d) Persons holding other offices in the executive branch of the Federal Government may serve as members of divisional committees, but they shall not receive remuneration for their services as such members during any period for which they receive compensation for their services in such other offices.

(e) Funds available to any department or agency of the Federal Government for the development of the humanities or the arts, or the provisions of facilities therefor, shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Foundation for such use as is consistent with the purposes for which such funds were provided, and funds so transferred shall be expendable by the Foundation for the purposes for which the transfer was made, and, until such time as an appropriation is made available directly to the Foundation, for general administrative expenses of the Foundation without regard to limitations otherwise applicable to such funds.

UTILIZATION OF FOREIGN CURRENCIES

SEC. 15. Section 104 of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), is amended by inserting immediately after paragraph (s) the following new paragraph:

"(t) for financing under the direction of the National Humanities Foundation, in such amounts as may be specified from time to time in appropriation Acts, programs outside the United States designed to foster the interchange of information in the humanities and the arts between the United States and other countries, including but not limited to the financing of archeological expeditions through grants, loans, or other forms of assistance;".

ASSURANCE AGAINST FEDERAL INTERFERENCE

SEC. 16. In the administration of this Act, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the policy determination, personnel, curriculum, or the administration or operation of any school or other non-Federal agency, institution, organization, or association.

AUTHORIZATION OF APPROPRIATIONS

SEC. 17. To enable the Foundation to carry out its powers and duties, there is hereby authorized to be appro-

priated to the Foundation such sums as the Congress may determine.

89TH CONGRESS
1ST SESSION

S. 111

A BILL

To provide for the establishment of the National Humanities Foundation to promote progress, research, and scholarship in the humanities and the arts, and for other purposes.

By Mr. GRUENING, Mr. ANDERSON, Mr. BASS, Mr. BAYH, Mr. BREWSTER, Mr. BURDICK, Mr. CASE, Mr. CLARK, Mr. DODD, Mr. DOUGLAS, Mr. FONG, Mr. GORE, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. INOUYE, Mr. KUCHEL, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. MILLER, Mr. MONTOYA, Mr. MORSE, Mr. MOSS, Mr. MUNDT, Mr. MUSKIE, Mr. NELSON, Mrs. NEUBERGER, Mr. PASTORE, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio

JANUARY 6, 1965

Read twice and referred to the Committee on Labor and Public Welfare

89TH CONGRESS
1ST SESSION

H. R. 334

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1965

Mr. MOORHEAD introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To provide for the establishment of the National Humanities Foundation to promote progress and scholarship in the humanities and the arts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Humanities Foundation Act of 1965".

SEC. 2. The Congress hereby finds and declares—

(1) that the encouragement and support of the humanities and the arts, while primarily a matter for private and local initiative, is also an appropriate matter of concern to the Federal Government;

EXHIBIT U

(2) that a high civilization must not limit its efforts to science and technology alone but must give full value and support to the other great branches of man's scholarly, literary, and artistic activity;

(3) that democracy demands wisdom and vision in its citizens and that it must therefore foster and support a form of education designed to make men masters of their technology and not its unthinking servants;

(4) that, during our early history, the Nation was largely engaged in mastering its physical environment while, more recently, advancing technology, defense, and space needs have put a claim on energies that might have gone into humane and artistic endeavors, with the result that our social, moral, and esthetic development has lagged behind our material advance;

(5) that it is in the national interest that the resulting social, cultural, and educational imbalance be redressed;

(6) that the world leadership which has come to the United States cannot rest solely upon superior power, wealth, and technology, but must be solidly founded upon worldwide respect and admiration for the Nation's high qualities as a leader in the realm of ideas and of the spirit;

(7) that, in order to implement these findings,

it is desirable to establish a National Humanities Foundation.

ESTABLISHMENT OF A NATIONAL HUMANITIES FOUNDATION

SEC. 3. There is hereby established in the executive branch of the Government an independent agency to be known as the National Humanities Foundation (hereinafter in this Act referred to as the "Foundation"). The Foundation shall consist of a National Humanities Board (hereinafter referred to as the "Board") and a Director.

PURPOSE OF THE FOUNDATION

SEC. 4. The purpose of the National Humanities Foundation shall be to develop and promote a broadly conceived policy of support for the humanities and the arts, but it shall not attempt to direct, control, or otherwise influence the scholarship, teaching, research, or artistic endeavors which it supports.

DEFINITION

SEC. 5. The term "humanities and the arts", as used in this Act, includes, but is not limited to, the study of languages, literature, history, and philosophy; the history, criticism, and theory of the arts; the history of law, religion, and science; the creative and performing arts; and those aspects of the social sciences that have humanistic content and employ humanistic methods.

ASSURANCE AGAINST FEDERAL INTERFERENCE

SEC. 6. In the administration of this Act, no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the policy determination, personnel, curriculum, or the administration or operation of any school or other non-Federal agency, institution, organization, or association.

FUNCTIONS OF THE FOUNDATION

SEC. 7. (a) The Foundation is authorized and directed—

(1) to develop and encourage the pursuit of a national policy for the promotion of scholarship, education, research, and creative work and performance in the humanities and the arts;

(2) to insure that suitable means (including grants, loans, and other forms of assistance) are provided for educating and developing scholars, teachers, and artists at any stage of their growth;

(3) to assist by institutional grants, loans, and other means of assistance public and other nonprofit organizations, as described in section 501(c) of the Internal Revenue Code of 1954, concerned with encouraging and developing scholars, teachers, and artists in order to enable each institution to develop its own program of research and instruction in the humanities and the arts; to initiate and promote by contracts or other arrange-

ments, including grants, loans, and other forms of assistance, programs for the improvement of teaching in the humanities and arts;

(4) to award scholarships and graduate fellowships, including postdoctoral fellowships, and grants for research and for creative work and performance in the humanities and the arts;

(5) to foster the improvement of library resources and services for research and for teaching at all levels in the humanities and the arts, and to foster the interchange of information in the humanities and the arts in the United States and with other countries.

(b) In exercising the authority and discharging the functions referred to in subsection (a) of this section, it shall be one of the objectives of the Foundation to strengthen education, research, creative work and performance in the humanities and the arts throughout the United States and its possessions.

(c) The Foundation shall render an annual report to the President for submission on or before the 15th day of January of each year to the Congress, summarizing the activities of the Foundation and making such recommendations as it may deem appropriate. Such report shall include minority views and recommendations, if any, of members of the Board.

NATIONAL HUMANITIES BOARD

SEC. 8. (a) The Board shall consist of twenty members to be appointed by the President, by and with the advice and consent of the Senate; and of the Director of the Foundation, the (United States) Commissioner of Education, the Librarian of Congress, the Secretary of the Smithsonian Institution, and the Chairman of the National Council on the Arts, who shall be members of the Board ex officio; and shall, except as otherwise provided in this Act, exercise the authority granted to the Foundation by this Act. The persons nominated for appointment as members (1) shall be eminent in the fields of the humanities or the arts; (2) shall be selected solely on the basis of established records of distinguished service and scholarship or creativity; and (3) shall be so selected as to provide comprehensive representation of views in the humanities and the arts throughout the United States.

(b) The term of office of each appointed member of the Board shall be six years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (2) the terms of office of the members first taking office after the enactment of this Act shall expire, as designated by the President at the time of appointment, six at the end of two years, six at the end of four years, and eight at the end of six years,

after the enactment of this Act. Any appointed member of the Board who has been a member of the Board for twelve consecutive years shall thereafter be ineligible for appointment during the two-year period following the expiration of his term of office.

(c) The President shall call the first meeting of the Board, at which the first order of business shall be the election of a Chairman and a Vice Chairman.

(d) The Board shall meet annually on the third Monday in May unless, prior to May 10 in any year, the Chairman has set the annual meeting for a day in May, other than the third Monday, and at such other times as the Chairman may determine, but he shall also call a meeting whenever one-third of the members of the Board so request in writing. A majority of the voting members of the Board shall constitute a quorum. Each member shall be given written notice mailed to his last known address of record not less than fifteen days prior to any meeting, of the call of such meeting.

(e) An election of the Chairman and Vice Chairman of the Board shall take place at the first meeting of the Board following the enactment of this Act. Thereafter such elections shall take place at the second annual meeting occurring after each such election. The Vice Chairman shall perform the duties of the Chairman in his absence. In case a va-

cancy occurs in the chairmanship or vice chairmanship, the Board shall elect a member to fill such vacancy.

DIRECTOR OF THE FOUNDATION

SEC. 9. (a) There shall be a Director of the Foundation who shall be appointed by the President, by and with the advice and consent of the Senate. The Board may make recommendations to the President with respect to the appointment of the Director, and the Director shall not be appointed until the Board has had an opportunity to make such recommendations. The Director shall serve as an ex officio member of the Board. In addition, he shall be the chief executive officer of the Foundation. The Director shall receive compensation at the same rate as provided for the Librarian of Congress and shall serve for a term of six years unless sooner removed by the President.

(b) In addition to the powers and duties specifically vested in him by this Act, the Director shall, in accordance with the policies established by the Board, exercise the powers granted by section 11 of this Act, together with such powers and duties as may be delegated to him by the Board; but no final action shall be taken by the Director in the exercise of any power granted by section 11(3) of this Act unless in each instance the Board has reviewed and approved the action proposed to be taken, or such action

is taken pursuant to the terms of a delegation of authority from the Board or the Executive Committee to the Director.

POWER TO CREATE COMMITTEES

SEC. 10. (a) The Board is authorized to appoint from among its members an executive committee and to assign to the Executive Committee such of the powers and functions granted to the Board by this Act as it deems appropriate; except that the Board may not assign to the Executive Committee the function of establishing policies.

(b) If an executive committee is established by the Board—

(1) Such Committee shall consist of the Director, as an ex officio member, and not less than five nor more than nine other members elected by the Board from among their number.

(2) The term of office of each voting member of such Committee shall be two years, except that (A) any member elected to fill a vacancy occurring prior to the expiration of the term for which his predecessor was elected shall be elected for the remainder of such term; and (B) the term of office of four of the members first elected after the date of enactment of this Act shall be one year.

(3) Any person who has been a member of such Committee for six consecutive years shall thereafter be ineligible for election during the two-year period following the expiration of his term of office.

(4) The membership of such Committee shall, so far as practicable, be representative of diverse interests and shall be chosen as to provide representation, as far as practicable, for all areas of the Nation.

(5) Such Committee shall render an annual report to the Board, and such other reports as it may deem necessary, summarizing its activities and making such recommendations as it may deem appropriate. Minority views and recommendations, if any, of members of the Executive Committee shall be included in such reports.

(c) The Board is authorized to appoint from among its members or otherwise such committees as it deems appropriate, and to assign to committees so appointed such survey and advisory functions as the Board deems appropriate for the purposes of this Act.

GENERAL AUTHORITY OF THE FOUNDATION

SEC. 11. The Foundation shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this Act, including, but without being limited thereto, the authority—

(1) to prescribe such rules and regulations as it

deems necessary governing the manner of its operations and its organization and personnel;

(2) to make such expenditures as may be necessary for administering the provisions of this Act;

(3) to make grants and to enter into contracts or other arrangements (or modifications thereof) for the carrying on, by public or other nonprofit organizations or individuals, including other Government agencies of the United States, of the functions of the Foundation as set forth in section 7 of this Act, and when deemed appropriate by the Foundation, such contracts or other arrangements (or modifications thereof) may be entered into without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

(4) to make advance, progress, and other payments which relate to the establishment and conduct of such institutes and such experiments without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529);

(5) to acquire by purchase, lease, loan, gift, or condemnation, and to hold and dispose of by grant, sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this Act;

(6) to receive and use funds donated by others, if such funds are donated without restriction other than that they be used in furtherance of one or more of the general purposes of the Foundation;

(7) to publish or arrange for the publication of scholarly information in the humanities and arts without regard to the provisions of section 87 of the Act of January 12, 1895 (28 Stat. 622), and section 11 of the Act of March 1, 1919 (40 Stat. 1270; 44 U.S.C. 111);

(8) to accept and utilize the services of voluntary and uncompensated personnel and to provide transportation and subsistence as authorized by section 5 of the Act of August 2, 1946 (5 U.S.C. 73b–2), for persons serving without compensation; and

(9) to prescribe, with the approval of the Comptroller General of the United States, the extent to which vouchers for funds expended under contracts entered into, or grants made under, paragraph (3) of this section, shall be subject to itemization or substantiation prior to payment, without regard to the limitation of other laws relating to the expenditure of public funds and accounting therefor.

MISCELLANEOUS PROVISIONS

SEC. 12. (a) The Director shall, in accordance with such policies as the Board shall from time to time prescribe,

appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act. Such appointments shall be made and such compensation shall be fixed in accordance with the provisions of the civil service laws and regulations and the Classification Act of 1949; except that the Director may, in accordance with such policies as the Board shall from time to time prescribe, employ such technical and professional personnel and fix their compensation, without regard to such laws, as he may deem necessary for the discharge of the responsibilities of the Foundation under this Act. The Deputy Director hereinafter provided for members of any committee of the Board shall be appointed without regard to the civil service laws or regulations. Neither the Director nor the Deputy Director shall engage in any other business, vocation, or employment than that of serving as such Director or Deputy Director, as the case may be; nor shall the Director or Deputy Director, except with the approval of the Board, hold any office in, or act in any capacity for, any organization, agency, or institution with which the Foundation makes any contract or other arrangement under this Act.

(b) The Director may appoint, with the approval of the Board, a Deputy Director who shall perform such functions as the Director, with the approval of the Board, may

prescribe and shall be the Acting Director during the absence or disability of the Director or in the event of a vacancy in the Office of the Director.

(c) The members of the Board and the members of any committee of the Board shall receive compensation at the rate of $50 for each day engaged in the business of the Foundation and shall be allowed travel expenses as authorized by section 5 of the Act of August 2, 1946 (5 U.S.C. 73b–2).

(d) Persons holding other offices in the executive branch of the Federal Government may serve as members of committees of the Foundation, but they shall not receive remuneration for their services as such members during any period for which they receive compensation for their services in such other offices.

(e) Funds available to any department or agency of the Federal Government for the development of the humanities or the arts, or the provisions of facilities therefor, shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Foundation for such use as is consistent with the purposes for which such funds were provided, and funds so transferred shall be expendable by the Foundation for the purposes for which the transfer was made, and, until such time as an appropriation is made available directly to the

Foundation, for general administrative expenses of the Foundation without regard to limitations otherwise applicable to such funds.

LOYALTY PROVISIONS

SEC. 13. (a) No funds shall be directly granted by the Foundation to any individual under this Act, unless such individual—

(1) has taken and subscribed to an oath or affirmation in the following form: "I do solemnly swear (or affirm) that I bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies, foreign and domestic"; and

(2) has provided the Foundation with a full statement regarding any crimes of which he has ever been convicted (other than crimes committed before attaining sixteen years of age and minor traffic violations for which a fine of $25 or less was imposed) and regarding any criminal charges punishable by confinement of thirty days or more which may be pending against him at the time of his application for such scholarship or fellowship.

The provisions of section 1001 of title 18, United States Code, shall be applicable with respect to the oath or affirmation and statement herein required.

(b) When any organization, as defined in paragraph (5) of section 3 of the Subversive Activities Control Act of 1950, is registered or there is in effect a final order of the Subversive Activities Control Board requiring such organization to register, it shall be unlawful for any member of such organization with knowledge or notice that such organization is so registered or that such order has become final (1) to make application for any financial assistance which is to be awarded from funds part or all of which are appropriated or otherwise made available for expenditure under this Act, or (2) to use or attempt to use any such award.

(c) Whoever violates subsection (b) of this section shall be fined not more than $10,000, or imprisoned not more than five years, or both.

UTILIZATION OF FOREIGN CURRENCY

SEC. 14. Section 104 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704) is amended by inserting immediately after paragraph (s) the following new paragraph:

"(t) For financing under the direction of the National Humanities Foundation, in such amounts as may be specified from time to time in appropriation acts, programs outside the United States designed to foster the interchange of information in the humanities and the arts between the United States and other countries, including but not limited to the

financing or archeological expeditions through grants, loans, or other forms of assistance;".

AUTHORIZATION OF APPROPRIATIONS

SEC. 15. To enable the Foundation to carry out its powers and duties, there is hereby authorized to be appropriated to the Foundation for the fiscal year ending June 30, 1966, the sum of $5,000,000, and for each succeeding fiscal year such sums as the Congress may determine.

89TH CONGRESS
1ST SESSION

H. R. 334

A BILL

To provide for the establishment of the National Humanities Foundation to promote progress and scholarship in the humanities and the arts, and for other purposes.

By Mr. MOORHEAD

JANUARY 4, 1965

Referred to the Committee on Education and Labor

89TH CONGRESS
1ST SESSION

H. R. 1670

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1965

Mr. CURTIN introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To amend the Act of August 21, 1935, to provide for a determination of whether certain sites, buildings, or other objects are of national historical significance, and to prohibit the use of Federal funds for highway purposes which damage or destroy national historical sites, buildings, or other objects.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the preservation of historical American sites, buildings, objects, and antiquities, and for other purposes", approved August 21, 1935 (16 U.S.C. 461–467, inclusive), is amended by adding at the end thereof the following new section:

EXHIBIT V

"SEC. 8. (a) Whenever the Secretary of the Interior receives a petition or petitions from what he determines to be a sufficient number of interested persons who are residents of the affected area alleging that a highway project proposed by a State or political subdivision of a State which is to be financed in whole or in part with Federal funds will seriously damage or destroy a historical site, building, or object of national significance, the Secretary shall, in cooperation with local interests, conduct an investigation, which shall include, but not be limited to, holding public hearings at convenient locations, or affording the opportunity for such hearings. Upon the conclusion of such investigation the Secretary shall determine whether or not such site, building or object is of national historical significance.

(b) Whenever the Secretary of the Interior determines under subsection (a) that a site, building, or object is of national historical significance, he shall forthwith determine whether or not the proposed highway project will seriously damage or destroy the national historical site, building, or object.

"(c) Whenever the Secretary of the Interior acting under this section determines that a national historical site, building, or object will be seriously damaged or destroyed

by a proposed highway project, he shall notify the Secretary of Commerce of his determination."

SEC. 2. (a) Chapter 3, of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 321. Sites, buildings, and objects of national historical significance

"Whenever the Secretary of the Interior acting under authority of section 8 of the Act of August 21, 1935, notifies the Secretary of Commerce that a proposed highway project will seriously damage or destroy a site, building, or object of national historical significance, the Secretary of Commerce shall not approve the expenditure of Federal funds for such project under this title, and if such project has, prior to such notification, been so approved, no further expenditure of Federal funds shall be made for such project after the date of such notification."

(b) The table of sections of chapter 3 of title 23 of the United States Code is amended by adding at the end thereof the following:

"321. Sites, buildings, and objects of national historical significance."

THE COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS MAY 17, 1910

WILLIAM WALTON, Chairman
GORDON BUNSHAFT ALINE B. SAARINEN
BURNHAM KELLY HIDEO SASAKI
THEODORE ROSZAK JOHN CARL WARNECKE
LINTON R. WILSON, Secretary

19 February 1965

INTERIOR DEPARTMENT BUILDING
WASHINGTON

Dear Mr. Chairman:

I am writing in reply to your request for the views of the Commission of Fine Arts on H.R. 1670, 89th Congress, a bill "To amend the Act of August 21, 1935, to provide for a determination of whether certain sites, buildings, or other objects are of national historical significance, and to prohibit the use of Federal funds for highway purposes which damage or destroy national historical sites, buildings, or other objects."

The Commission believes that legislation to prevent the destruction of national historic sites by highway projects is necessary and desirable. We believe that in addition to highway projects other federally financed projects often damage or destroy historic sites, and that the law should protect such sites from damage by all types of federal public works projects.

The Commission believes that the method of protecting national historic sites, namely, by petition to the Secretary, the holding of hearings, and notification to the Secretary of Commerce by the Secretary of the Interior, is cumbersome and inadequate. Experience has shown that the publication of the facts concerning highway and other public works projects often does not occur until after the projects have been financed and are in an advanced stage of planning. Local residents may not learn of the danger to historic sites and buildings until it is too late to effect changes to protect the sites. We believe that the purposes of this legislation would be more effectively achieved if a permanent compilation of historic sites of national significance was centrally located in the Department of the Interior, so that the probable effect of public works projects upon such sites could be easily determined by the Federal agencies before a project was approved.

Therefore, the Commission does not recommend the enactment of H.R. 1670 in its present form.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

For the Commission of Fine Arts:

Sincerely yours,

William Walton

William Walton
Chairman

Honorable Wayne N. Aspinall
Chairman
Committee on Interior & Insular Affairs
U.S. House of Representatives
Washington, D.C.

EXHIBIT W

89TH CONGRESS
1ST SESSION

H. J. RES. 99

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1965

Mr. STRATTON introduced the following joint resolution; which was referred to the Committee on Interstate and Foreign Commerce

JOINT RESOLUTION

Authorizing the establishment of a National Railroad Museum in the city of Oneonta, New York.

Whereas the development of the railroad industry has paralleled and contributed to the development of the United States as a major industrial world power; and

Whereas the city of Oneonta, New York, has played a most significant part in the progress and development of railroading; and

Whereas it is appropriate and in the public interest that a suitable national museum be created to portray the important history of the railroad industry; and

Whereas great public interest in such a museum has been expressed by the people of the city of Oneonta, New York: Now, therefore, be it

EXHIBIT X

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is hereby authorized and directed (1) to cooperate with the proper official of the State of New York in selecting a site for a National Railroad Museum at or near the city of Oneonta, New York, and (2) to construct thereon as a memorial to the American railroad industry a public museum suitable for housing a collection of historical relics suitably portraying the development of the railroad industry.

SEC. 2. The plans for such museum shall be subject to the approval of the National Commission of Fine Arts.

SEC. 3. There is hereby authorized to be appropriated the sum of $50,000, or so much thereof as shall be necessary, to carry out the provisions of this resolution.

89TH CONGRESS
1ST SESSION

H. J. RES. 99

JOINT RESOLUTION

Authorizing the establishment of a National Railroad Museum in the city of Oneonta, New York.

By Mr. STRATTON

JANUARY 4, 1965

Referred to the Committee on Interstate and Foreign Commerce

REFERRED TO SUBCOMMITTEE
ON JUDICIARY

89TH CONGRESS
1ST SESSION

S. J. RES. 5

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 1965

Mr. MCGOVERN introduced the following joint resolution; which was read twice and referred to the Committee on the District of Columbia

JOINT RESOLUTION

Designating the bridge crossing the Washington Channel near the intersection of the extension of Thirteenth and G Streets Southwest the "Francis Case Memorial Bridge".

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the bridge crossing the Washington Channel of the Potomac River on Interstate Route 95, approximately one hundred yards downstream from the outlet gate of the Tidal Basin, near the intersection of the extension of Thirteenth and G Streets Southwest, shall be known and designated as the "Francis Case Memorial Bridge." Any law, regulation, map, document, record, or other paper of the United States

EXHIBIT

in which such bridge is referred to shall be held to refer to such bridge as the "Francis Case Memorial Bridge".

SEC. 2. The Commissioners of the District of Columbia shall—

(1) place on the "Francis Case Memorial Bridge" plaques of suitable and appropriate design; and

(2) in connection with the opening of such bridge to the public, provide for suitable ceremonies honoring the late Francis Case, United States Senator from the State of South Dakota, for his many valuable services for and on behalf of the residents of the District of Columbia.

SEC. 3. The Secretary of the Senate shall transmit copies of this resolution to the wife of the late Senator Francis Case, Myrle Case; his daughter, Jane Case Commander; and his granddaughter, Catherine.

89TH CONGRESS
1ST SESSION

S. J. RES. 5

JOINT RESOLUTION

Designating the bridge crossing the Washington Channel near the intersection of the extension of Thirteenth and G Streets Southwest the "Francis Case Memorial Bridge".

By Mr. McGOVERN

JANUARY 6, 1965
Read twice and referred to the Committee on the District of Columbia

18 February 1965

Dear Mr. Chairman:

I am writing in reply to your request for the views of the Commission of Fine Arts on S.J. Res. 5, 89th Congress, a joint resolution "Designating the bridge crossing the Washington Channel near the intersection of the extension of Thirteenth and G Streets Southwest the 'Francis Case Memorial Bridge.'"

The members of the Commission of Fine Arts recommend that S.J. Res. 5, be passed by the Congress.

The Bureau of the Budget has advised that it has no objection to the submission of this report from the standpoint of the program of the Administration.

For the Commission of Fine Arts:

Sincerely yours,

William Walton
Chairman

Honorable Alan Bible
Chairman
Committee on the District of Columbia
United States Senate
Washington, D. C.

BFK 2/19/65

EXHIBIT Z

18 February 1965

Dear Mr. Chairman:

I am writing in reply to your request for the views of the Commission of Fine Arts on H.J. Res. 99, 89th Congress, a joint resolution "Authorizing the establishment of a National Railroad Museum in the city of Oneonta, New York."

The members of the Commission have authorized me to advise you that they have no objection to the purpose of the bill and would be glad to consult with the Secretary of Commerce on the design of the mu[illegible] if the bill is enacted into law.

The Bureau of the Budget has advised that it has no objection to the submission of this report from the standpoint of the program of the Administration.

For the Commission of Fine Arts:

Sincerely yours,

William Walton
Chairman

Honorable Oren Harris
Chairman
Committee on Interstate and
Foreign Commerce
U. S. House of Representatives
Washington, D. C.

EXHIBIT 2

MEETING OF THE COMMISSION OF FINE ARTS
16 February 1965

AM
10:15 I. CONVENE, ROOM 7000, INTERIOR DEPARTMENT BUILDING

II. ADMINISTRATION

1. Date of Next Meeting:
Executive Session: 16 March 1965, 10:15 a.m.
Open Session: 17 March 1965, 9:30 a.m.

2. Approval of Minutes of January 1965 meeting

3. Proposed Amendments to Section 7501 of Zoning Regulations

4. Letters from Senator Aitken and Senator Javits - Request for Policy Information on Building Materials

III. SUBMISSIONS-REVIEWS-INTERVIEWS

1. District of Columbia Government

a. Department of Licenses and Inspections

Shipstead-Luce Act

(1) Proposed Office Building, 12th St. & Pennsylvania Avenue, N.W. - Revised Design

(2) Building Applications, Appendix 1

Old Georgetown Act

(1) Georgetown University, Proposed Expansion, Informal OlG. 65-200

(2) Building Applications, Appendix 2

b. Department of Buildings and Grounds

(1) Elementary School, 7th and Webster Sts., N.W. - Revised Design

(2) Junior Village School and Replacement Building - Proposed Design

(3) Junior High School, Bladensburg Road & 6th St., N.E. Proposed Design

(4) Chevy Chase Branch Library, Connecticut Avenue and McKinley Street, N.W. - Proposed Design

(5) Fire House #9 between 16th and 17th Sts. on U St., N.W. - Proposed Design

2. Corregidor-Bataan Memorial Commission

Corregidor Memorial - Proposed Design

3. District of Columbia Redevelopment Land Agency

Tenth Street Mall - Revised Design

4. Department of the Navy, Area Public Works Office

a. Airmen's Dormitory, Bolling/Anacostia Military Cantonment

b. Family Housing, Bolling/Anacostia Military Cantonment

5. General Services Administration, Public Buildings Service

a. National Institutes of Health, New Refrigeration Building-Proposed Design

b. Federal Office Building, Boston, Mass. - Selection of Artists for Mural and Sculpture

6. Department of the Interior, National Park Service, National Capital Region

Northwest Submaintenance Unit, Elliott Place and Clarke St., N.W., Reservation 469 - Proposed Design

7. Department of the Army, Institute of Heraldry

a. Seal for the President's Council on Aging-Proposed Design

b. National Aeronautics and Space Administration Third Degree Award - Proposed Design

8. District of Columbia Government, Department of Highways and Traffic

Site Revisions to General McClellan Statue, Connecticut Avenue and Columbia Road, N.W.

3:00 9. Corregidor-Bataan Memorial Commission

Corregidor Memorial-Proposed Design
(Captain Kelly; Mr. Baine, Corregidor-Bataan Memorial Commission)

4:00 10. District of Columbia Government, Department of Licenses and Inspections

Georgetown University, Proposed Expansion, Informal O.G. 65-200

(Father Colling; Mr. Mariani, architect)

IV. LEGISLATION

1. S. 310-1/7/65-Mr.Javits-89th Congress

   To amend the National Arts and Cultural Development Act of 1964 to authorize the National Council on the Arts to accept and receive bequests, gifts, and donations for use in carrying out the purposes of such Act, and to establish the National Arts Foundation.

2. S. 315-1/7/65-Mr. Pell-89th Congress

   To establish a National Arts Foundation

3. Draft Legislation-Interior Department-1/13/65-89th Congress

   Providing for the establishment of the National Capital Parks Memorial Board.

4. S. 111 - 1/6/65-Mr. Gruening-89th Congress

   To provide for the establishment of the National Humanities Foundation to promote progress, research, and scholarship in the humanities and the arts, and for other purposes.

5. S. 316-1/7/65-Mr. Pell-89th Congress

   To provide for the establishment of the National Humanities Foundation to promote progress and scholarship in the humanities and the arts, and for other purposes.

6. H.R. 334-1/4/65-Mr.Moorhead-89th Congress

   To provide for the establishment of the National Humanities Foundation to promote progress and scholarship in the humanities and the arts, and for other purposes.

7. H.R. 1670-1/6/65-Mr. Curtain-89th Congress

   To amend the Act of August 21, 1935, to provide for a determination of whether certain sites, buildings, or other objects are of national historical significance, and to prohibit the use of Federal funds for highway purposes which damage or destroy national historical sites, buildings, or other objects.

8. H.J.Res. 99 - 1/4/65-Mr. Stratton-89th Congress

   Authorizing the establishment of a National Railroad Museum in the city of Oneonta, New York.

9. S.J. Res. 5 - 1/6/65-Mr.McGovern-89thC

Designating the bridge crossing the Washington Channel near the intersection of the extension of Thirteenth and G Streets Southwest the "Francis Case Memorial Bridge."